

# PUBLIC OPINION AND POLITICS IN THE LATE ROMAN REPUBLIC

CRISTINA ROSILLO-LÓPEZ



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## PUBLIC OPINION AND POLITICS IN THE LATE ROMAN REPUBLIC

This book investigates the working mechanisms of public opinion in Late Republican Rome as a part of informal politics. It explores the political interaction (and sometimes opposition) between the elite and the people through various means, such as rumours, gossip, political literature, popular verses and graffiti. It also proposes the existence of a public sphere in Late Republican Rome and analyses public opinion in that time as a system of control. By applying the spatial turn to politics, it becomes possible to study sociability and informal meetings where public opinion circulated. What emerges is a wider concept of the political participation of the people, not just restricted to voting or participating in the assemblies.

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*Universidad Pablo de Olavide*



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*For Igor, for every single day*





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## *Map*

Map 2.1 Shopping facilities in the Forum Romanum and nearby *page* [59](#)

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## Introduction

This is a story about words and voices. Its main characters are people talking, gossiping and wandering around the city of Rome, more than two thousand years ago. They wrote works for and against one another, they praised and criticised one another, and they told and retold jokes about their fellow citizens.

German philologist Victor Klemperer, a Jew married to a non-Jewish woman, was a recluse for the most of the Second World War. Banned from libraries and the university because of anti-Jewish laws, he kept a diary and chronicled not only the hardships of everyday life, but also the changes in the German language.<sup>1</sup> Political jokes and gossip also featured regularly through the diary. Klemperer painstakingly compiled all puns and jests, since he believed them to represent true public opinion, and worried that their short-lived and ephemeral character would obliterate them from history.<sup>2</sup> We have no Klemperer for ancient Rome. Evidence is scattered throughout letters, anecdotes, historical works, speeches, and archaeological remains, such as Pompey's small terracotta statues that feature in the cover. Opinions are intangible and flit precariously through the centuries, but somehow they still remain.

In the second century AD, Plutarch wrote a brief treatise called *De garrulitate* (*On talkativeness*), in which he addressed the risks and perils of that vice. He alerted his readers to the dangers of rumours, which were uncontrollable.<sup>3</sup> They could be transmitted so swiftly that, as Plutarch recalled in an anecdote, a rumour could arrive in the Forum well before the

<sup>1</sup> This would become, after the war, his famed work *Lengua Tertii Imperii*, on the neo-lingo of the Third Reich.

<sup>2</sup> Klemperer 1998, 1999. E.g. entry of 9th May 1943: 'New jokes: ( . . . ) Julius Caesar, Frederick the Great and Napoleon in Olympian conversation; Caesar: If I had had the tanks, I would have conquered all of Germania! Frederick the Great: If I had had the aircraft I would have conquered all of Europe! Napoleon: If I had had Goebbels, even today no one would know that I lost the battle of Leipzig!'

<sup>3</sup> Plut. *De garrul.* 10 (507). On this treaty, see Van Hoof 2010.



person who had been its original source. A woman had insisted that her husband tell her what business the Senate was discussing in private. He decided to tell her a portentous story, about a lark flying about with a golden helmet and a spear. The woman told her maid, who told a fellow servant, who told her lover. This mechanism of circulation of information by word of mouth worked so well that according to Plutarch:

With such speed was the story rolled out into the Forum that it preceded its inventor: he was met by an acquaintance who said, 'Have you just now come down to the Forum from home?' 'This very moment,' said he. 'Then you have heard nothing?' 'Why, is there any news?' 'A lark has been seen flying about with a gold helmet and a spear and the magistrates are going to convene the senate about the matter.' And the husband laughed and said, 'All praise to your speed, my wife! The story has even reached the Forum before me!'<sup>4</sup>

Gossip was transmitted in many places, but especially in barbershops, as Plutarch evoked in delightful stories about rather too chatty barbers who were duly punished.<sup>5</sup> News, gossip, and rumours were, thus, part of politics. But they played a special and active role in Rome during the second and first centuries BC when, together with writings, songs and graffiti, they became what could be termed 'public opinion'.

Why is public opinion important? Why is expressing public opinion significant? What did each different group (and society as a whole) gain from public opinion and from the circulation of information? The aim of this book is to provide an answer to these questions. Its purpose is to indicate the ways in which public opinion was an element of Roman political practice in the Late Republic, exposing how the public sphere, public opinion, and informal politics structured political life. It intends to offer a new perspective and interpretation of the political character of the Roman Republic and a wider approach to what constitutes political participation.

'You know, gentlemen, that bribery has been committed, and everybody knows that you know.'<sup>6</sup> These words, uttered by Licinius Calvus in a trial

<sup>4</sup> Plut. *De garrul.* 11 (507–508). Gell. 1.23 relates a version of the story with a son (Papirius Praetextatus) and his mother as the main characters. The story caught on in later centuries and fed the imagination of artists. See Angelica Kauffman's (1741–1807) painting *Papirius Praetextatus Entreated by His Mother to Disclose the Secrets of the Deliberations of the Roman Senate* (Denver Art Museum, Berger Collection).

<sup>5</sup> Plut. *De garrul.* 7 (505 b); 13 (508–509).

<sup>6</sup> Quint. 6.2.13: 'factum' inquit 'ambitum scitis omnes, et hoc vos scire omnes sciunt' (Calvus, speech against Vatinius).

to frighten the judges, attest to the power of public opinion. Public opinion could be used, abused and reused. It spread both inside and outside the city. It was a powerful means of communication that formed the basis of the interaction between the political elite and the rest of the citizens. It played a crucial game in the pre-printing press, pre-newspaper, and pre-industrial society that was the Late Roman Republic. As we shall see, Habermas linked the birth of public opinion to nineteenth-century Europe, the newspapers, and the rise of a public sphere. The analysis of public opinion during the Late Roman Republic shows that it could take many forms, and that the printing press and newspapers were not prerequisites.

One assumption about Roman politics relies on the scarcity of information that the citizens received about it. Serious political information was apparently restricted to what they could hear in a *contio*.<sup>7</sup> The study of public opinion, however, provides a more dynamic view of Roman politics, based on the circulation of information, rumours, and opinions across different groups, crossing all socio-economic levels. This analysis shows that rumours and opinions should not be dismissed as pointless hearsay: rather, they played a fundamental and pivotal role in politics and, in many cases, influenced the outcome of political decisions. Public opinion has been defined as the enforcement of social values by the elite. This book proposes a more flexible vision, centred on the interaction between elite and the rest of the citizens. However, this does not exclude the manipulation of public opinion by the former, or occasionally the hefty pressure of the latter.

This book analyses the mechanisms of public opinion in Late Republican politics. First of all, the possibility of expressing public opinion freely should be ascertained. The topic of censorship, either imposed by the State or self-censorship, must therefore be addressed.

Despite Cicero's statement that public opinion could only be found at *contiones*, *comitia*, and games, the sources reveal a wide array of places where information, opinions, and rumours were transmitted, as [Chapter 2](#) shows. This book intends to go beyond the identification of the theatre and games as the only places for the diffusion of public opinion. These were a few of the many locations available to Roman citizens during the Late Republic: streets, bars, markets, etc. In these places, transmission of information was not the exclusive objective of the meeting, but was a consequence of a wider context: that of sociability and the cementing of networks.

<sup>7</sup> Pina Polo 1989, 1996; Morstein-Marx 2004: 20.

In Rome, information was transmitted through sociability. The study of the latter is thus indispensable to understanding the creation, circulation, and diffusion of rumours. [Chapter 3](#) will also address the question of how these rumours circulated and how they influenced Roman politics. Rumours provided snippets of information and made communication possible between elite and plebs.

[Chapters 4](#) and [5](#) are concerned with the circulation of information (in the form of ideas, opinions, rumours, gossip, etc.) through oral and written media. To what extent was it possible in Rome? This topic shall lead us briefly into the question of Roman literacy and how widespread it was among Roman citizens. In any case, people read out loud for other citizens in the streets and passed messages around orally, which then created a mixed written-oral circulation.

[Chapter 6](#) will delve into the question of the agents of public opinion. Who were the brokers of news, the ones who transmitted it around the city? Other agents should also be considered: as public opinion is usually varied, levels of opinion should be analysed, questioning the sources beyond the dichotomy of *populares-optimates*. Furthermore, leaders were the people through whom others found out what the majority of the people were saying. They were not only the brokers of news but were also influential in the formation of other people's ideas.<sup>8</sup> Finally, oversimplification of the variation in these groups could lead to a misreading of public opinion, as the events after the murder of Caesar attest.

What characteristics enable us to identify a phenomenon as public opinion? Amongst other things is the elaboration of a conscious discourse aimed at influencing public opinion by Roman teachers of rhetoric. Public opinion shall thus feature as an important element to be taken into account when speaking in public, especially in the courts of justice. In [Chapter 7](#), once theoretical strategies have been identified, the analysis of three Ciceronian speeches (the first Verrine, *Pro Cluentio*, and *Pro Rabirio Postumo*) will allow the tracing of these strategies in practice, to determine how orators dealt with a critical and contrary public opinion or with damaging rumours.

Finally, this study of public opinion will address the question of the existence of a public sphere in Rome, and the importance of public opinion as a political mechanism, attempting to propose a new way to describe and conceptualise the political participation of Roman citizens.

This study aims to address the question of how public opinion worked during a specific period in history; it is the intention of this work to

<sup>8</sup> Lazar 1995: 72 (about the leader).

demonstrate the existence of this system in the Late Roman Republic and to propose an analysis of the workings of public opinion in practical terms.

In summary, this book maintains three main hypotheses. First of all, that public opinion and a public sphere are concepts that existed in the Late Roman Republic, and in general in pre-industrial societies. They were not anachronisms, nor did they require the existence of the printing presses, newspapers, or polls, in order to exist, despite the Habermasian theory of public opinion (see *infra*). Secondly, that it was an element of informal politics that made possible the proper functioning of formal institutions. Thirdly, that popular public opinion was especially important in the Late Roman Republic. The discourse was usually promoted and led by the elite, but popular public opinion was fundamental in everyday politics, even though it did not always have a direct influence upon events. Thus, in terms of the relationship between elite and plebs through the lens of public opinion, it could be perceived as necessary interplay rather than perpetual conflict. Only when cross-channels of communication failed did conflict arise.

## CHAPTER I

# *Public Opinion in Rome* *Definition, Models and Constraints*

### 1.1 How Public Opinion Was Expressed and Understood in the Late Roman Republic

The Latin language used several words to define public opinion (mainly *fama*, *existimatio* and *iudicium*) because personal reputation and prestige counted for a great deal in Roman politics, and public opinion was instrumental in managing them. Prestige is an immaterial constituent of many societies, and Rome was no exception. Scholars have identified distinct mechanisms of prestige, among which prestige as a measure of reputation and popularity is relevant for this study.<sup>1</sup> Striving for honours in Rome was linked to victory in the elections; magistracies gave access to political prestige, wealth (through legal or illegal means) or even military glory, since commanders were usually former magistrates.<sup>2</sup> Even after arriving at the top of the *cursus honorum*, most Roman politicians still led an active political life. For this reason, senators needed to be watchful of their personal reputation at any point in their lives. The orator Quintus Hortensius Hortalus had a successful career, being considered among the best orators of his time and elected consul in 69 BC. However, in 51 BC, just one year before his death at the age of 64, he defended M. Valerius Messalla Rufus, his nephew, on the charge of *ambitus*, and the latter was acquitted. A good part of public opinion considered the verdict intolerable, and this was expressed on the spot with cries and shouts. The next day, in the theatre, Hortensius was hissed at and abused for the first time in his life.<sup>3</sup> His reputation took a heavy blow when he went against the expectations of public opinion.

<sup>1</sup> On the different theoretical concepts of prestige, see Hurlet, Rivoal, and Sidéra 2014.

<sup>2</sup> Nevertheless, as elections were so competitive, Romans did not consider it shameful to be defeated. See Broughton 1991; Farney 2004; Pina Polo 2012b. On honour as a working mechanism of Roman political life, see Lendon 1997.

<sup>3</sup> Cic. Fam. 8.2.2. For this trial: Alexander 1990: n. 329; Cic. Brut. 328; Cael. apud Cic. Fam. 8.2.1, 8.4.1; Cic. Att. 5.12.2; Val. Max. 5.9.2. On this episode, see Vanderbroeck 1987: 266, n. 90; Dyck 2008:

Cicero defined glory as a mixture of *frequens fama* and praise.<sup>4</sup> The reputation of a senator depended on the opinions of the other citizens.<sup>5</sup> The author of the *Rhetorica ad Herennium* provided different techniques to undermine the character of one's rival in the courts, suggesting associating him with any possible vice, even if it had nothing to do with the case. If the accused was considered an honest man, the orator should state firmly that only the facts should speak, and not *fama*.<sup>6</sup> Thus, it was reputation that usually defined a politician. However, this reputation, as in the case of Hortensius, could change swiftly: a rumour or an inopportune comment could alter it in a minute.<sup>7</sup> Cicero described in detail the shuddering and anxious look of a candidate, wary of every comment or rumour that could change the opinion of the voters.<sup>8</sup>

*Existimatio* defined the impression produced by a politician upon his fellow citizens and the opinion that the latter held about him.<sup>9</sup> It was usually accompanied by a genitive or possessive adjective, in order to denote the agent of the opinion: thus, *existimatio populi Romani* or *existimatio hominum* or *omnium*.<sup>10</sup> An individual's *existimatio* or reputation was not only built upon wealth and origin. The concept also applied to cities, social orders, and law courts.<sup>11</sup> A Roman politician's reputation depended on what people were saying about him.<sup>12</sup> This notion rarely appeared in pre-Ciceronian Latin; Yavetz suggested that the term became more common when the upper classes needed to appeal to the masses to gain their support, seeking to be considered as popular as possible, and to ingratiate themselves with the people.<sup>13</sup>

If *existimatio* was based on a personal opinion, Hellegouarc'h argued that *fama*, more specifically, described a collective opinion built on notable actions.<sup>14</sup> It could have an objective meaning, as a reputation, or a subjective meaning, as an opinion.<sup>15</sup> Furthermore, *fama* could also be

165–166. Hortensius published his speech in favour of Messalla Rufus (Val. Max. 5.9.2), which was commented upon favourably in the *Brutus* (Cic. Brut. 327–328; Sumner 1973: 122–123).

<sup>4</sup> Cic. Invent. 2.166. <sup>5</sup> Cic. Pis. 98; see Cic. Phil. 1. 29. <sup>6</sup> Rhet. Her 2.5. <sup>7</sup> Cic. Mur. 35.

<sup>8</sup> Cic. Mil. 42.

<sup>9</sup> Hellegouarc'h 1963: 362–363. For a different use in Cato the Elder's work, see Habinek 1998: 45–50.

<sup>10</sup> Hellegouarc'h 1963: 363, n. 5 and 6. *Existimatio populi Romani*: Cic. Verr. 1.20; 2.4.54; 5.35; 143; Phil. 2.9; Caes. BC. 1.20.3. *Existimatio hominum, omnium*: Cic. Quinc. 5; Verr. 2.1.87; 148; 2.102; 3.133; 137; 210; 4.101; Cael. 6; Rep. 3.27; Caes. BC. 5.44.5; Flacc. 35.

<sup>11</sup> Yavetz 1974: 36–37 (on cities); 37–47 (on how individual *existimatio* was built and maintained). Meier 1980: 9, n. 15, on the importance of *existimatio* in Rome and how it has been generally underestimated.

<sup>12</sup> Yavetz 1974: 42–43. <sup>13</sup> Yavetz 1974: 50–54. <sup>14</sup> Hellegouarc'h 1963: 364–365.

<sup>15</sup> Objective meaning: Liv. 26.20.5; 27.20.9. Subjective meaning: Caes. BC. 1.82.2. Hardie 2012: 6–11, detailing the duplicities and dichotomies of the meaning of *fama*. Bettini 2008: 351–352, argues that *fari* 'defines and arbitrates social behaviors and the system of shared beliefs'. *Fama* comes from *fari, fando* and shares that sense (see Festus 76 L).

understood pejoratively, at least during the Republic.<sup>16</sup> In the Principate, *famosus* simply meant ‘well known’, deprived of any derogatory sense.<sup>17</sup> While Hellegouarc’h established the difference between *fama* and *existimatio*, Yavetz postulated that, in fact, the differences were minimal, since these were vague and frequently interchangeable concepts.<sup>18</sup>

Horace used the expression *vox populi* in one of his satires, although the well-known phrase *vox populi vox dei* to describe the strength and importance of public opinion is recorded for the first time in a letter from the English scholar Alcuin of York to the emperor Charlemagne at the end of the eighth century. Alcuin distrusted and criticised the motto, but mentioned that it had been in use for some time.<sup>19</sup>

*Iudicium* was another recurrent term related to public opinion, although not used exclusively in this context. Cicero used it frequently as a positive term for public opinion, that is, to define a good judgement. Public opinion, in Cicero’s works, is rarely seen as positive. Only when it coincided with his own interests did he deign to acknowledge it, rather than to dismiss it. However, in speeches in court or in the Senate, he occasionally referred to public opinion as *iudicium*. In the *Pro Sestio*, for instance, he attempted to make explicit the ‘true and impartial opinion of the whole people’ (*universi populi iudicium verum et incorruptum*).<sup>20</sup> Cicero described the public opinion that mattered by ascribing it to three specific places: ‘In truth, there are three places in which the opinion and will of the Roman people may be ascertained in the highest degree: the *contiones*, the *comitia*, and the meetings at the games and at the gladiators.’<sup>21</sup> Public opinion was not so localised, and in fact it was spread throughout the whole city in a wide array of places of sociability (see [Chapter 2](#)). Cicero was presenting a certain public opinion (characterised positively as *iudicium*) as the only one that really counted: that is, opinion expressed in official places and events. Years later, he deployed this strategy again, as a way of legitimising the public opinion that was of interest to him. In the *Philippics*, when an

<sup>16</sup> E.g. Plaut. *Pers.* 351, 384; Cic. *Tusc.* 3.4; *Fin.* 1.50; *Cluent.* 126; *De Orat.* 2.339; Tac. *Ann.* 3.10. Neraudau 1993: 31.

<sup>17</sup> Neraudau 1993: 31–34 proposes that with the *princeps*, there were no more vices to flog, and only praises to sing. Thus, *fama* the monster of Virgil (*Aen.* 4.173–197) turned into a good deity who guaranteed not only the esteem of men but also memory. On Virgil’s depiction of *fama*, see Dyer 1989 and Hardie 2012: 78–150.

<sup>18</sup> Yavetz 1974: 47–50 = Yavetz 1983: 214–227, especially 226–227. Hellegouarc’h briefly concedes this point, mentioning Cic. *Div. Caecil.* 71 (Hellegouarc’h 1963: 364–365).

<sup>19</sup> Hor. *Sat.* 1.1.65; Boas 1969: 8, on Alcuin’s comment. <sup>20</sup> Cic. *Sest.* 119.

<sup>21</sup> Cic. *Sest.* 106: ‘*Et enim tribus locis significari maxime de <re publica> populi Romani iudicium ac voluntas potest, contione, comitiis, ludorum gladiatorumque consessu*’.

element of public opinion agreed with him, he described it as consisting of different viewpoints (*iudicia multa*), taking the form of popular verses and acclamations. This time, for him, public opinions were not only localised at gladiatorial games but throughout the city. However, despite defining public opinion as multifaceted, he pushed for a singular interpretation of it, his own, describing it as ‘an incredible unanimous will of the whole Roman people’.<sup>22</sup> He claimed to have despised acclamations and applause, because they were a tribute to *populares* politicians, but the unanimous opinion of the whole people, from the top to the bottom, made him consider it not as applause but as a *iudicium*.<sup>23</sup> Thus, when Cicero agreed with it, bad and demagogic public opinion, expressed through applause, became good and sensible public opinion, with any diversity merged into a single opinion.

Cicero could mock the influence of public opinion, but sometimes he had to restrain himself. In his first speech against Catiline, delivered in the Senate, he tried to push his adversary to abandon Rome. He even joked that such an action could stir up Catiline’s supporters to hatred against himself.<sup>24</sup> Nevertheless, in the speech delivered later before the people, he had to justify himself and state that he had not made Catiline flee.<sup>25</sup> Cicero’s despising of the people’s opinion was bluntly displayed against his enemy Piso: ‘Trust yourself to the people: make your venture at these games. Are you afraid of hisses? Where is your learning? Do you fear to be shouted at? That again is not a matter to worry a philosopher. Do you fear physical violence? Pain is an evil, according to your view. Reputation, infamy, disgrace, degradation – these are mere phrases, mere bagatelles.’<sup>26</sup> Mocking Piso’s Epicureanism, Cicero made fun of things of which he himself was mostly afraid. *Existimatio* was a big concern of his. Hisses at the games were one of his fears. In his letters to Atticus and his friends, few matters were so attentively surveyed as these expressions of public opinion.

Cicero’s view of public opinion, tainted with disdain and contempt, especially for popular views, prevails due to the availability of the sources. Nevertheless, it should be considered one of the possible ways in which politicians conceived of and used public opinion. The young Caelius

<sup>22</sup> Cic. Phil. 1.36: ‘Populi quidem Romani iudicia multa ambo habetis, quibus vos non satis moveri permoleste fero. Quid enim gladiatoribus clamores innumerabilium civium? quid populi versus? quid Pompei statuæ plausus infiniti? quid duobus tribunis plebis qui vobis adversantur? parumne haec significant incredibiliter consentientem populi Romani universi voluntatem?’

<sup>23</sup> Cic. Phil. 1.37. <sup>24</sup> Cic. Cat. 1.23. <sup>25</sup> Cic. Cat. 2.12–14.

<sup>26</sup> Cic. Pis. 65: ‘Da te populo, committe ludis. Sibilum metuis? Vbi sunt vestrae scholae? Ne acclametur times? Ne id quidem est curare philosophi. Manus tibi ne adferantur? Dolor enim est malum, ut tu disputas; existimatio, dedecus, infamia, turpitudō: verba atque ineptiae.’



represents an alternative view, probably as common in the Roman elite as Cicero's own. Even so, when he was away in Cilicia, Cicero charged his friend with sending him the most up-to-date news on public opinion, so it was clearly of interest to him.

Caelius was well aware of the importance of public opinion for a politician's career. He was well connected and had access to elite points of view. Furthermore, he was not somebody who committed exclusively to one side, politically speaking: he began his career under the patronage of Crassus and, later, under that of Cicero, which brought him close to the *optimates*.<sup>27</sup> While he was tribune of the plebs in 52 BC, he approached Caesar, due to his friendship with Curio and his enmity with Appius Claudius.<sup>28</sup> Nevertheless, he remained politically quite ill defined: he supported Milo during the latter's trial for the murder of Clodius and tried to have him acquitted.<sup>29</sup> However, he joined Caesar at the beginning of the civil war. Later on, he abandoned his side and engaged, along with Milo, in a battle that would cost him his own life. Thus, as his career shows, he was not constricted to a conservative or *popularis* paradigm. Caelius had access to public opinion from many elements within the elite, which increased the value of his reflections.

For Caelius, public opinion constituted a normative element of Roman politics; it was a decisive political factor to which attention had to be devoted, as his letters show. He compiled public opinion in order to act accordingly later. For Caelius, information was composed of facts, opinions, and rumours: 'I will send you a full account of how it was done, what was thought of it afterwards, and what anticipations it has aroused':<sup>30</sup> that is, the facts (what was done), the opinion (what was thought), and the rumours and conversations (what anticipations were aroused). In fact, Caelius' accurate analysis of the situation and the suggestion that a civil war was looming could have been based on his careful reading of public opinion.<sup>31</sup> Cicero praised Caelius' acute political sense: 'For I have never yet known a man with a greater flair for politics than yourself.'<sup>32</sup> His sources were diverse. He paid a man to report to Cicero everything that

<sup>27</sup> Gruen 1974: 455. On Caelius' political life, see Boissier 1877: 167–219; Claus 1990; Dettenhofer 1992: 79–99; Cordier 1994.

<sup>28</sup> Syme 1939: 41; Gruen 1974: 187.

<sup>29</sup> Gruen 1974: 341 with more details.

<sup>30</sup> Cael. Cic. Fam. 8.1.2: 'et quemadmodum actum sit et quae existimatio secuta quaeque de eo spes sit, diligenter tibi ipsi perscribemus'.

<sup>31</sup> Cael. Cic. Fam. 8.14.

<sup>32</sup> Cic. Fam. 2.8: '*politikôteron* enim te adhuc neminem cognovi'. See Zarecki 2009 for Cicero's definition of *politikos* as someone ready to take action to ensure the continuation of the Republic; Zarecki explains that it was applied to Caelius as someone who was a '*politikos*-in-waiting'.

happened in Rome.<sup>33</sup> However, he also had direct access to the upper elite: informing his friend about the problem of the consul Marcellus and the Gallic provinces, Caelius knew that the debate would be put off until June, 'because he himself has told me so' ('*ut mihi ipse dixit*') meaning Marcellus.<sup>34</sup> Sometimes he identified his sources; in other cases, he just referred to hearsay: *dicitur*. He depended greatly on rumours. In his first letter, he stated dogmatically that 'there is no great expectation of anything happening'.<sup>35</sup> The rest of the letters are composed of well-developed comments based on rumours about every important political issue: the *comitia* of the Transpadani; Marcellus and the Gallic provinces; rumours about Caesar and his military exploits in Gaul; and the alleged murder of Cicero by Q. Pompeius. Interestingly, even when in theory 'nothing happened', he wrote a long letter detailing the latest gossip and rumours.

Caelius often interpreted events in light of public opinion. Facing the possibility that Cicero's forces had to retreat before the Parthians, he immediately considered the impact this would have on the public: 'How the public would accept the latter decision, and how far the necessity for it would be taken as a sufficient justification, as to that I have my misgivings.'<sup>36</sup> And, without pause, he continued: 'But the news about the crossing of the Parthians have given rise to all sorts of comments.'<sup>37</sup> He provided Cicero with a parade of opinions, which probably came from different conversations overheard or in which he may have engaged: 'One man would send Pompey; another would not have Pompey withdrawn from the city; another would send Caesar in command of his own army, another the consuls; no one, however, would have anybody not holding public office sent by a decree of the Senate.'<sup>38</sup> For a single event he compiled at least four different opinions.

Caelius displayed a striking richness of political vocabulary in his letters. In fact he provides us with terms for public opinion hitherto unknown, such as *susurratores* and *subrostrani*.<sup>39</sup> *Existimatio* was one of Caelius' catchphrases, which he used frequently to define a political situation and its perspectives.<sup>40</sup>

<sup>33</sup> Cael. Cic. Fam. 8.1.1.    <sup>34</sup> Cael. Cic. Fam. 8.1.2.

<sup>35</sup> Cael. Cic. Fam. 8.1.2: 'nulla magno opera expectatio est'. Cavarzere 1983: 199, on such negative expression.

<sup>36</sup> Cael. Cic. Fam. 8.10.1: 'hoc quomodo acciperent homines, quam probabilis necessitas futura esset, vereor etiam nunc, neque prius desinam formidare'.

<sup>37</sup> Cael. Cic. Fam. 8.10.2: 'Sed de Parthorum transitu nuntii varios sermones excitarunt'.

<sup>38</sup> Cael. Cic. Fam. 8.10.2: 'alius enim Pompeium mittendum, alius ab urbe Pompeium non removen-dum, alius Caesarem cum suo exercitu, alius consules, nemo tamen ex senatus consulto privatos'.

<sup>39</sup> See pp. 182–184. *Susurratores* and *subrostrani* (Cic. Fam. 8.1.4).    <sup>40</sup> Cael. Cic. Fam. 8.2.2.

Apparently Caelius entered into too much detail for Cicero's tastes, since he rebuked him, asking for a general overview of Roman politics, not a fine-detailed one.<sup>41</sup> Cicero seemed to suffer from information overload. Not being present, he lacked the ability to separate the wheat from the chaff and the expertise to tell what details were really important for one's career. For that reason, he did not ask Caelius for more information, but for analysis and interpretation. From him he wanted *futura*, an idea of what was going to happen. Caelius had the networks, and his previous letters had demonstrated his many sources of information, which stemmed from different levels of public opinion. In fact, almost every letter that Cicero sent him begged for political information and analysis: 'for I shall regard the information you give me as the most trustworthy'.<sup>42</sup> Information was not only useful but was a commodity of high demand and high worth, which could be traded upon, speculated upon, and exchanged; it was sold, distributed, redistributed and analysed. Its demand was subject to highs and lows, depending on the issue. For instance, during the civil war, everybody coveted what was on the mind of Caesar or Pompey. Access to that information, or to someone who had access to it, could mean a lot in terms of one's career and future. Its possession meant the success or failure of a Roman politician, and Caelius seemed to be well positioned to get hold of it.

## 1.2 Public Opinion and the Debate on the Political Nature of the Late Roman Republic

The discussion about the democratic or oligarchic nature of the Late Roman Republic has represented one of the most challenging scholarly debates of the last decades.<sup>43</sup> The oligarchic model, a political system completely dominated and controlled by a closed elite, was mainstream during the nineteenth century and a good part of the twentieth century. In the 1980s, both Meier and Brunt pointed to the extreme flexibility in forging alliances, dismissing Münzer's model of dominance based on family ties.<sup>44</sup> What has been termed the 'communicative turn' started with Nicolet, Veyne and Millar, who proposed that the Roman Republic was not ruled exclusively by an oligarchy of senators; the roles of the people at several places and times had to be taken into account, from voting

<sup>41</sup> Cic. Fam. 2.8.1. <sup>42</sup> Cic. Fam. 2.11.3: 'ea enim certissima putabo, quae ex te cognoro'.

<sup>43</sup> For two useful critical historiographical surveys of the debate, see Jehne 2006; Hurler 2012.

<sup>44</sup> Meier 1980; Brunt 1988: 382–502; Münzer 1920.

assemblies and *contiones* to publicity.<sup>45</sup> In all these cases, speech and communication were the main media through which that interaction between elite and the people took place, and through which political content was communicated. The role of the people was so fundamental that Millar asked himself whether Rome could be termed a ‘democracy’, using this term in a neutral sense.<sup>46</sup> In his opinion, Republican Rome was a direct democracy, similar to the classical Athenian political system, due to the existence of elections, the voting of laws and treaties, trials, and interaction amongst the people. In this political system, the latter no longer played a passive role in politics; Millar thus rejects the idea that they were tangled up in a web of *clientelae*.<sup>47</sup> From the second half of the second century BC onwards, the *contiones* and the elections became places where political divergences were discussed, and where the role of the people as active agents grew.<sup>48</sup> By the first century BC, in Millar’s view, the crowd of Roman citizens had become an important element in politics, striving to occupy, physically if necessary, the main public spaces.<sup>49</sup> Publicity and the gaze of the Roman people, the fact that political life was not conducted *sub rosa*, attested to the accountability of Roman politicians.<sup>50</sup>

The extent and importance of popular political participation have therefore been the main strands of thought-provoking debate opened by Millar’s work. In this sense, the definition of the nature of the communication between the elite and the people is crucial for studying the political nature of the Roman Republic, especially the first century BC.<sup>51</sup> In the case of conflict, Millar opts for the primacy of the people. Other scholars have proposed that the reality was more nuanced, suggesting that the people’s role in politics was in fact mainly symbolic. Several scholars regard the role of the people in theatres, games, and public ceremonies as having rather a symbolic dimension, bolstering and legitimising the existing political system.<sup>52</sup> Hölkeskamp has stated

<sup>45</sup> Jehne 2006: 13–14, for a historiographical review.

<sup>46</sup> Millar 1995: 94 = Millar 2002: 165; supported by Lintott 1999: 199–208, who termed ‘some kind of democracy’. Criticism in North 1990 (comments on North in Harris 1990), Ward 2004, amongst others; a review of criticism of this use in Hurler 2012: 32–37.

<sup>47</sup> Millar 1998: 9ff. The rejection of the model of *clientelae* is an attack on Gelzer 1912. However, Hölkeskamp 2010: 8 has pointed out that Gelzer had already expressed his reservations about a conception of Roman politics based on family ties and nobility.

<sup>48</sup> Millar 1986. <sup>49</sup> Millar 1998.

<sup>50</sup> Millar 1998: 9ff. Although Jakobson 2010: 4 points out that publicity ‘is not necessarily democratic’, Hölkeskamp 2010: 135 and Crawford 2011: 112 assert that openness and democracy should not be confused.

<sup>51</sup> Hurler 2012: 25.

<sup>52</sup> Jehne 2000; Hölkeskamp 2010, 2011. This trend has also been studied by archaeologists; see Zanker 1988.

that speeches did not imply open decision-making. Furthermore, he proposes that the political *clientelae* did not actually completely disappear as an important force in politics, as Millar claimed; in his view, they had been evolving since the fourth century, and by the Late Republic, they were part of a multiplicity of ties that came up against other and could invalidate each other.<sup>53</sup> In his view, the Roman people were merely arbiters of elite rivalry.

Recent work has focused on the role of the people in *contiones* and the necessity for securing the votes of the people during elections, which could not be won with elite votes alone.<sup>54</sup> Scholars who disagree with the democratic view and the importance of the role of the people have also addressed these questions. Jehne has proposed the term *Jovialität*, which describes a type of relationship between two parties of unequal social status. In a public context, the powerful renounced the display of their superiority, and the lower classes were aware of it. The elections represented, for instance, an example of these situations, when the elite candidates sought and courted the rest of citizens.<sup>55</sup> In this sense, Hölkeskamp has advocated that the participation of the people could also take place within an aristocratic culture, where its role was ‘institutionalized’ and a consensus was reached over the rules to follow.<sup>56</sup> Flaig has suggested the concept of ‘ritual politics’, in which the Roman aristocracy won the plebs’ obedience by constant hard effort.<sup>57</sup>

Mouritsen has dismissed popular elements in Roman politics (e.g. *contiones*) as ‘symbolic’.<sup>58</sup> In his opinion, the main weakness in the democratic interpretation lies in the lack of differentiation between what he terms the people as political concept (in which they had a central place) and the physical reality (from which they were excluded).<sup>59</sup> For Morstein-Marx, *contiones*, heralded by some scholars as a place where the people could make their voice heard, were instrumental, rather than deliberative; thus, the ‘popular will of the Roman people’ was in fact artificial.<sup>60</sup> This lack of real participation by the people is one of the main qualms: Jehne considers that the Roman Republic was not a democracy because of the small opportunity for political participation.<sup>61</sup> ‘The older oligarchic model of Republican politics is thus increasingly giving way to a more flexible and sophisticated one which attributes the power of the elite mainly to its ability to shape, rather than ignore or frustrate, the popular will.’<sup>62</sup> For Jakobson,

<sup>53</sup> Hölkeskamp 2010: 36–38. See review by Crawford 2011.

<sup>54</sup> See e.g. Pina Polo 1989, 1996; Jakobson 1999. <sup>55</sup> Jehne 2000.

<sup>56</sup> Hölkeskamp 2010: 98–124. <sup>57</sup> Flaig 2003. <sup>58</sup> Mouritsen 2001: 13ff.

<sup>59</sup> Mouritsen 2001: 16. <sup>60</sup> Morstein-Marx 2004: 281–283. <sup>61</sup> Jehne 2006: 22–23.

<sup>62</sup> Jakobson 2010: 2.

public debate in Rome was a debate amongst the elite before the people.<sup>63</sup> Thus, even dissenting voices had some elitist support.<sup>64</sup> He has described the political culture of the Roman elite as a symbiosis of elitist and popular elements but being more traditional, hierarchical, and conservative in practice than in theory.<sup>65</sup>

In fact, modes and occasions of communication, together with publicity, represent one of the more recent trends in the study of Late Roman Republican politics.<sup>66</sup> The main differences between the scholars depend on whether they regard that communication as a symbolic gesture or as an effective and significant tool in the interaction between elite and the people.

The new oligarchic view has focused on how the Roman elite legitimised its rule.<sup>67</sup> However, continuous opposition between elite and the people does not usually represent the basis of a sustainable and long-lasting system of government. For the main part of its history, the Roman Republic was a stable and flexible political system, and part of that flexibility was based on the interplay between elite and plebs. As we shall see, public opinion was one of the ways in which that interaction could be traced and studied.

A purely oligarchic system, with the people figuring only in a supporting role, would probably not have suited the elite, since it would have prevented them from deploying political alliances. Thus, asserting that only the elite were interested in legitimising their rule is to employ a distorted perspective. Legitimation works both ways. When people voted or attended a *contio*, they were not only legitimising the role of the elite in government but their own role as well. Both parts benefited, in different degrees, of course, from the system. For the people, the benefits were private and public largesse, land allotments, exemption from military service and direct taxes (during part of the Republic), legal protection as a Roman citizen and distribution of booty, amongst other things.<sup>68</sup> Nevertheless, supporting a political system does not always result from a careful weighing of costs and benefits. Neither did this mean that the people were content and happy with the political system. By the first century BC, they may have considered reforms, but did not seem to desire a complete overhaul.

This study of public opinion makes the following assumptions about the character of the Late Roman Republic, especially the first century BC: first

<sup>63</sup> Yakobson 2006: 386–387. <sup>64</sup> Yakobson 2010: 5. <sup>65</sup> Yakobson 2006: 392–393; 2010: 19–20.

<sup>66</sup> Jehne 2006: 22–23. <sup>67</sup> E.g. Yakobson 2010: 20.

<sup>68</sup> Yakobson 2010: 20–21. See e.g. Millar 1986 on the benefits that the Roman people drew from imperialism; Tiersch 2009 on the benefits promised by politicians to the people in the *contiones*.

of all, that it was a political system based not on permanent links, but on short-term alliances, built around specific issues and common interests. Secondly, that it was a system in which the people and elections mattered up to a point and Roman assemblies were not purely symbolic. Thirdly, that it was a political system in which publicity played an important role.

Returning to the debate, Polybius highlighted the democratic element within the mixed constitution of the Roman Republican system.<sup>69</sup> He also remarked that the latter was based on the interactions amongst magistrates, the Senate and the Roman people.<sup>70</sup> The purpose of this work is to study the interactions that composed the political system through the analysis of public opinion especially in the first century BC, which featured not only interactions within the elite but also amongst the people, and between the elite and the people. Public opinion represented a dynamic element of the political system, and, as a part of Roman informal institutions, provided the system with a flexibility and a possibility of political participation that formal institutions did not, or could not, always possess.

### 1.3 Public Opinion and Informal Politics

Informal politics is a relatively recent concept, which follows a trend of studies that began with the analysis of informal economics and informal institutions. This research facilitates the understanding of the real workings of a political system, which has been, and is still, a mixture of both formal and informal elements. Informal elements exist and interact with formal components of the political system. They are not exclusive to democracies, since they feature in every type of government.<sup>71</sup>

The concept of informal rules and institutions has been applied to a wide range of phenomena. In fact, definitions of informal politics and institutions range from very narrow to somewhat broad. Helme and Levitsky have described informal institutions or politics as ‘socially shared rules, usually unwritten, that are created, communicated, and enforced outside of officially sanctioned channels’.<sup>72</sup> Another definition highlights

<sup>69</sup> Pol. 6.11–18; in this sense, in relationship with the Roman Republic, Raepsaet-Charlier 2012. On Polybius’ definition of democracy and his definition of the Roman Republic, see Nicolet 1983: 15–35; Tatum 2009. Criticism of Polybius’ definitions in Seager 2013, who argues that Polybius thought that the best constitution was a mixed constitution and that the Roman system of government, because of its success, was the best of all. Thus, he tried to conflate the two, misrepresenting the real picture of Roman politics.

<sup>70</sup> In this sense, see Yakobson 2010: 300–301; Hurler 2012: 43.

<sup>71</sup> See Köllner 2012: 21–25, for a review of studies on informal institutions in autocracies.

<sup>72</sup> Helmke and Levitsky 2004: 727.

that informal politics involves the use of non-legitimate, but not illegal, means to pursue public ends. This ranges from relationships or unofficial channels (in the case of public opinion, for instance) to social networks. Corruption, on the other hand, pursues private ends using illegitimate means.<sup>73</sup> Many authors include within informal politics all kinds of informal political customs and interactions, i.e. any behaviour that differs from formal rules that are written down, which is the definition adopted in this book.<sup>74</sup> In fact, a common definition, but also a complaint, is that informal politics constitutes a residual category, in which could be included all practices that are not regulated by law.<sup>75</sup>

Informal institutions have been characterised as ‘rule of man’, as opposed to formal institutions as ‘rule of law’.<sup>76</sup> ‘The workings of such politics tend to be sporadic, erratic, and invisible, making them much harder than formal politics for outsiders to observe in detail, describe accurately, and explain coherently.’<sup>77</sup> Formal institutions have been linked to the state government, to the official sphere, while informal institutions belong to civil society.<sup>78</sup>

Research is ambivalent about the character of informal institutions. Some scholars consider that they provide solutions and improve the performance of formal institutions. Others hold that, on the contrary, they create problems for the proper working of politics. A third camp asserts that they reinforce or act as substitutes for formal institutions, depending on the context.<sup>79</sup> Even so, formal institutional weakness is not a precondition for the appearance of informal institutions.<sup>80</sup>

Current research in informal politics is much concerned with developing countries or non-Western countries, autocratic systems, and their transitions to democracy. For this reason, much of the debate centres upon clientelism and patronage.<sup>81</sup> Public opinion seems to be disregarded, even though it constitutes an element of informal politics, as in the Late Roman Republic. Formal Republican institutions, such as elections, *contiones*, or the Senate, were regulated by laws and had established procedures.<sup>82</sup> Public opinion, as part of informal politics, complemented them. Rumours and gossip made possible the exchange of information, the

<sup>73</sup> Dittmer 2000: 292. <sup>74</sup> Köllner 2012: 9–10. E.g. Radnitz 2011: 354; Isaacs 2011: 13–14.

<sup>75</sup> Köllner 2012: 13–14; for further criticism of this conceptual ambiguity, see Helmke and Levitsky 2004: 726–727.

<sup>76</sup> Fukui 2000: 3. <sup>77</sup> Fukui 2000: 3. <sup>78</sup> Köllner 2012: 10–11, 22.

<sup>79</sup> Helmke and Levitsky 2004: 728. <sup>80</sup> Helmke and Levitsky 2004: 727.

<sup>81</sup> E.g. the collective volume of Dittmer 2000 for East Asia; Hale 2011 for post-Soviet Eurasia.

<sup>82</sup> E.g. see Lintott 1999.



establishment of short-term alliances, and communication between the elite and the Roman people.

#### 1.4 Theoretical Considerations and Models of Public Opinion

In his biography of Cicero, Plutarch presented his view of public opinion. For him, public opinion stemmed from the masses, not from the elite, but was something in which the latter had to be involved and had to participate. Thus he advised the politician to engage in the external acts related to public opinion, but warned him against the feelings that came with them. The warning, though, was issued for a reason: in Plutarch's mind, the risk for the elite in being carried away by public opinion was real.<sup>83</sup> Despite despising public opinion, which could influence both elite and the people, Plutarch could not dismiss it as a secondary matter and thus highlighted its importance in political life. He did not see public opinion as logical, but rather as the product of irrational feelings. As we shall see, this debate about the rationality or irrationality of public opinion still dominates the modern social and political sciences.

Public opinion is difficult to define. By the mid-1960s, Child had already collected around fifty definitions of public opinion.<sup>84</sup> The number of definitions has not declined, and the definition of the concept is still a difficult task, perhaps even more so now. Some scholars have even rejected giving a specific definition of public opinion, preferring rather to state some of its characteristics.<sup>85</sup> Despite claims for abandoning the concept of public opinion in the fifties and sixties, it is still thriving and much in use in history, sociology, and political studies, amongst other disciplines. Public opinion had been defined as communication from the citizens to the government, while communications among the citizens were considered secondary. If governments denied that opinions from the citizens were relevant, public opinion was deemed not to exist.<sup>86</sup> However, this assumption should be nuanced.

The consensus of scholars asserts that four conditions should be met in order for something to be considered as public opinion: (1) an issue; (2) a significant number of people; (3) some kind of agreement between some of the people who are expressing their opinion; (4) an agreement that exerts influence (directly or indirectly).<sup>87</sup> The extent of this influence may

<sup>83</sup> Plut. Cic. 32.7.

<sup>84</sup> Noelle-Neumann 1993: 58.

<sup>85</sup> Lazar 1995: 138.

<sup>86</sup> Speier 1950: 376.

<sup>87</sup> Encyclopedia Britannica s.v. public opinion (W. Phillips Davison).

vary greatly: sometimes public opinion would not have a huge effect, but even influence upon the behaviour or decision-making of a politician is enough to consider it valid. As we shall see, these four requisites are met by all the aspects of public opinion in the Roman Republic that are presented in this work.

Lazar has pointed to several characteristics that define public opinion: first of all, public opinion is formed by the behaviour, expressed verbally, of a great number of people about an object known to them all and which is important for them all. Public opinion, then, is often linked with an idea of sharing, with the expectation that other people will react, or may react, in a similar manner. These shared behaviours must be sufficiently intense to be effective and to attain their goal. Finally, public opinion is expressed through different social channels, either formal, such as via the media, or informal, such as gossip and rumours.<sup>88</sup> Thus, it could be conceived as a social construction and as the verbal expression of a viewpoint.<sup>89</sup>

Another consideration for the diffusion of public opinion is the interaction between elite and the people, which was particularly difficult in the case of a language gap between them. In the case of Rome, the Latin of the elite was more refined, and they delighted in complex word plays, sentence structures, and vocabulary. The distance between elite Latin and colloquial Latin was not extreme. The sources make it clear that the people could understand a speech in court, or in an assembly, or even interact with the elite (for instance, when the latter sought their vote during elections).<sup>90</sup> Conversely, Roman orators could and should switch between three levels of speaking (grand, medium, and simple style), adapting themselves to the situation.<sup>91</sup> The simple style was indeed described as the closest to *infimus et cottidianus sermo*, everyday language.<sup>92</sup> However, this language gap represented a problematic issue in later centuries, since it disrupted the circulation of information and opinions between elite and the people. By the late Middle Ages, knowledge of classical Latin was reduced just to the elite, whereas common people talked in an evolved form of colloquial Latin that gave rise to modern European languages.

Michel de Montaigne seems to have been the creator of the term ‘public opinion’ in modern languages, since he wrote about *le publique, l’opinion*

<sup>88</sup> Lazar 1995: 43. <sup>89</sup> Lazar 1995: 41, 29.

<sup>90</sup> On interactions during elections and elite courting of citizens, see Yakobson 1999: 26, 107–115.

<sup>91</sup> Rhet. Her. 4.16; Cic. Orat. 99–111. Quintilian insisted on a wider variety of stylistic levels (Quint. 12.10.66–68). See Ferri and Probert 2010: 13–14.

<sup>92</sup> Rhet. Her. 4.14; cf. 4.11. Nevertheless Ferri and Probert 2010: 18–28 dismiss the idea that real colloquial Latin was actually used in oratory.

*publique, l'opinion commune, l'approbation publique, and référence publique.*<sup>93</sup> In fact, the term appears more than 300 times in his work, especially in the sense of the Latin word *fama*.<sup>94</sup> Although the philosopher Locke did not mention public opinion as such, he maintained that our opinions reflect the judgments of others.<sup>95</sup> The Scottish philosopher David Hume identified its important role in politics by stating that governments were founded upon public opinion.<sup>96</sup> Joseph Glanvill, a seventeenth-century English philosopher, coined the term 'climate of opinion' to define what people perceived directly as the opinions that were circulating.<sup>97</sup> Rousseau saw public opinion within the tradition of Machiavelli, Locke and Hume, relating it not only to reputation but also to social control.<sup>98</sup> In his *Le contrat social*, after the definition of the three main laws (public, criminal, and civil), he pointed to a fourth: manners, customs, and, especially, public opinion. The latter was, in his mind, a guardian of morals.<sup>99</sup>

This conception of public opinion changed during the eighteenth century: it was no longer an expression of the moral values and common feelings of a group, of a people. It became the expression of a political will, still in a pre-democratic society.<sup>100</sup> In Tocqueville's view, for instance, public opinion was the tyranny of the majority, the conforming of the individual to the greater number's opinion.<sup>101</sup>

The study of public opinion became a science, with a sociological approach, with Gustave Le Bon, who studied crowds and their irrational reactions in *Psychologie des foules* (1895), and Gabriel Tarde, whose work *L'opinion et la foule* (1901) addressed the question of the different publics and the importance of the press. Other scholars in the twentieth and twenty-first centuries have researched the issue of public opinion. The Chicago School linked public opinion with organisation and public communication. In his 1927 book, *The Public and Its Problems*, John Dewey pointed to the active role of the public, since public opinion originated in discussions. Walter Lippmann in 1922 published *Public Opinion*, in which he proposed that, taking into account the complexity of the world, especially the political sphere, the citizen was limited to a passive role in public affairs. In his view,

<sup>93</sup> Noelle-Neumann 1993: 67–69.

<sup>94</sup> Berns 2013; E.g. Montaigne, *Essais*, 3.12 (*De la Physionomie*).

<sup>95</sup> Locke, *Essay concerning human understanding*, 2:367–68; Noelle-Neumann 1993: 69–73.

<sup>96</sup> Hume, *Treatise of Human Nature*, chapter 'of the love of fame'; in Noelle-Neumann 1993: 75–76.

<sup>97</sup> Joseph Glanvill, *The Vanity of Dogmatizing* 1661: 226–227, in Noelle-Neumann 1993: 78–79.

<sup>98</sup> Noelle-Neumann 1979: 151–152 on Locke, Hume, and Rousseau on public opinion as social control.

<sup>99</sup> Noelle-Neumann 1993: 80–87. <sup>100</sup> Cf. Lazar 1995: 10. <sup>101</sup> Noelle-Neumann 1993: 88–93.

public opinion was limited to the aggregation of opinions released and circulated by the media. More recent studies have been divided into two main areas of focus, according to the field of expertise of the researchers. Firstly, political scientists have focused particularly on its role in the development of government policy. Secondly, sociologists are more interested in public opinion as a product of social interaction and communication. Individual opinions, in this sense, have to be shared with others, through an oral or written message, to become public opinion. Thus, several public opinions could exist at the same time.

Current research on public opinion is divided between two main conceptions and models. The first is the democratic-theoretical concept, based on studies by Jürgen Habermas, in which public opinion is based on rationality as an instrument in the decision-making process. This concept prevails in the field of public opinion studies.<sup>102</sup> The second is public opinion as social control, as it appears in Elisabeth Noelle-Neumann's works, based around her idea of the spiral of silence.

According to Habermas, heir to the Frankfurt School, public opinion only appeared in late seventeenth-century Britain and eighteenth-century France, linked to the naissance of a bourgeois public sphere (*bürgerliche Öffentlichkeit*) and the rise of rationality.<sup>103</sup> The latter term is described as opinions about matters of concern for the nation, expressed publicly. Habermas does not conceive of the individual *per se*, as an isolated entity, but rather as a being that takes his or her identity from communication with others.<sup>104</sup>

For Habermas, the public sphere needed to be separated strictly from the private sphere; thus, he denied its existence in the Middle Ages, although he acknowledged that it was visible in ancient Greece.<sup>105</sup> He described the public sphere as 'as a forum in which the private people come together to form a public, readied themselves to compel public authority to legitimate itself before public opinion'.<sup>106</sup> In this argument, private and

<sup>102</sup> Glasser and Salmon 1995: 35.

<sup>103</sup> Habermas 1989: xvii–xviii (first edition in 1962). The term *bürgerliche* could be understood as bourgeois or civil. It was translated into English as the first concept, suggesting class-consciousness (see McKeon 2004, who points out that this decision displaces attention from the civil character of the public sphere). Equally the substantive *Öffentlichkeit* could be translated as a public sphere (social meaning, as an institution) or as public (collective meaning, as speakers and audience; see Koller 2010: 263). Speier 1950: 379 already described public opinion as a 'phenomenon of middle-class civilization'.

<sup>104</sup> López García 2001: 282. <sup>105</sup> Habermas 1989: 3–4, 7.

<sup>106</sup> Habermas 1989: 25–26. On Habermas' public sphere, see Roberts and Crossley 2004. Criticism of Habermas' public sphere and alternative concepts in Roberts and Crossley 2004: 13–17.

public spheres became separated in a modern sense only in the eighteenth century. In the sphere of public authority, the public evolved into an entity with an objective, which was separated from the person of the ruler.<sup>107</sup> This depersonalised public authority thus gave rise to a civil society, in which, linked to the rise of a market economy, activities that had hitherto belonged to the realm of the household were transferred into a public sphere.<sup>108</sup>

This early capitalist commercial system was fed by the explosive power of the press, thanks to which news also became a commodity, as it was read and discussed by the rising bourgeoisie.<sup>109</sup> That bourgeois public sphere turned private people into a public, which controlled and negotiated with public authorities through the use of reason (*öffentliches Raisonement*).<sup>110</sup> This public met in coffee houses (in Great Britain) and salons (in France), turning them into centres of literary and political criticism, creating a continuous process of communication that was open to strangers.<sup>111</sup> However, this public opinion should not act as a substitute for the government, but rather should only scrutinise and limit it. If perverted, this model could end with the bourgeoisie dominating public opinion, excluding other social strata from discussion, and having too much influence upon the government.

In this new public sphere, criticism of government and a political consciousness appeared, opposed to absolute power and demanding laws.<sup>112</sup> Thus, the public sphere became the connection between law and public opinion.<sup>113</sup> The debate that had been tacit became explicit and was verbalised. That rationalisation turned opinion into public opinion.<sup>114</sup> In Habermasian terms, the public sphere is the place where debate allows for the possibility of an agreement and where procedures are available for

<sup>107</sup> Habermas 1989: 10–18. This birth in the eighteenth century, linked to rationality, has been commonly acknowledged by academics; see for instance La Vopa 1991: 46–47, who undoubtedly reaffirmed this point, and conceived this modern public opinion as an alternative to traditional authority. Habermas has argued that nowadays the delineation between state and society has blurred, through the creation of the welfare state, and the increasing presence of interest groups within the state; see Roberts and Crossley 2004: 4–5.

<sup>108</sup> Habermas 1989: 19–20.

<sup>109</sup> Habermas 1989: 20–23; 181–195. See Bouza 2004 for criticism on the fact that only public news constitutes opinions.

<sup>110</sup> Habermas 1989: 27, based on Kant's public use of reason.

<sup>111</sup> Habermas 1989: 31–43. McKeon 2004: 275–276 postulates that Habermas' public sphere is a virtual space, where people come together, different from the traditional assembly in the *agora* or the public square. His argument is based on the fact that historians of seventeenth-century England have traced the birth of such a public sphere. However, Habermas remains explicit about the historical roots of his public sphere in the following centuries.

<sup>112</sup> Habermas 1989: 51–56. <sup>113</sup> Habermas 1989: 81. <sup>114</sup> McKeon 2004: 274–275.

such a deliberation, regardless of whether or not an understanding is reached.<sup>115</sup> Individualistic public opinion occurs when people ignore what others think about a specific issue; this behaviour could be provoked by an oppressive regime. Habermas linked public opinion with certain rights, such as expression and meeting. In some views, opinion could only be considered properly public, as opposed to being composed of individualistic opinions, when media began to inform people and they exchanged their own views.<sup>116</sup> In the case of the Roman Republic, as we shall see, debate was verbalised and formal procedures for deliberation were available, but only for the elite. The plebs had to find other channels through which to circulate and communicate that opinion. However, criticism of government was not unusual. Public debate was not monopolised by a single class, such as the bourgeoisie in eighteenth-century Europe; during the Republic, the political elite both ruled and were the agents of government criticism.<sup>117</sup> In any case, the study of public opinion will make explicit the existence of a Roman public sphere.

In later studies, Habermas characterises unlimited reasoned public choice as a methodological fiction.<sup>118</sup> Furthermore, he defines the public sphere as an intermediary structure between the political systems and the private.<sup>119</sup> Thus, Habermas presents a logocentric theoretical system, with a communication system based on speech and the printed word. However, he is aware that speech is also mediation and that there is no ‘unmediated discourse’.<sup>120</sup>

Fraser’s criticism of Habermas has pointed out some problematic assumptions in the latter’s work. First of all, Habermas assumes that people could leave their status aside and enter into discussions as if on an equal basis. This does not imply that people were actually equals, but that they could debate as if they were. This idea not only disregards groups that were effectively marginalised, such as women or the poorer classes (counter-publics), but also discounts informal modes of domination, such as the lack of cultural capital in the Bourdieu sense.<sup>121</sup> In Rome, this is reflected in the

<sup>115</sup> Goode 2005: 47.

<sup>116</sup> Shlapentokh 1985: 454–455. Habermas has argued that contemporary public opinion is no longer the process of a discussion in which the ‘best argument’ wins, but rather an expression of views (Habermas 1989).

<sup>117</sup> The existence of a commercial bourgeoisie or a ‘middle class’ in ancient Rome is a controversial subject. Rostovtzeff 1957: 195 used the concept of ‘city bourgeois’; Hill 1952 and Mayer 2012 employed the term ‘Roman middle class’ (or classes).

<sup>118</sup> Koller 2010: 266–267. <sup>119</sup> Koller 2010: 272. <sup>120</sup> Goode 2005: 89.

<sup>121</sup> In later works, Habermas has acknowledged explicitly these inequalities: see Goode 2005: 38–42. McKeon 2004: 275 points out that this criticism misunderstands Habermas’ concept of a public

elaborate rules of public speaking, which considered acceptable only those speeches that followed rhetorical precepts. No woman spoke in a public capacity during the Late Roman Republic, with the exception of Hortensia, the daughter of the great orator Hortensius, who used public oratory effectively in 42 BC.<sup>122</sup> Women, though, used public opinion in their favour. During the proscriptions of the Triumvirate, 'the wife' (formerly called Turia by scholars) managed to turn public opinion to her husband's favour by addressing Lepidus in public.<sup>123</sup> Such tactics were used by other women during that period, such as Antony's mother Julia, who begged for the life of her brother before her own son in public, instead of talking in private.<sup>124</sup> In any case, those were exceptional times.

Goode states that inequality of socio-economic status may trap people on both sides: not only does it prevent them from participating in politics, but their lack of participation also hinders the advancement of their interests.<sup>125</sup> As we shall see, Roman *equites* of a certain status could appeal directly to senators to lobby for their own benefit, whereas members of the lower classes had to use more indirect channels of communication.

Secondly, according to Habermas, discourse in public spheres should only be concerned with the common good, leaving aside private interests. Fraser's criticism rightly points out that not all participants could agree on what it was proper to discuss.<sup>126</sup> In Roman Republican times, the themes of discussion of the elite must of necessity fail to agree with popular interests, as the elite were trying to push to establish their own political agenda as the only legitimate one. Furthermore, this premise establishes a sharp division between public and private which is not corroborated by reality, either in Roman or contemporary times.

Other authors have drawn attention to the irrational aspects of public opinion, based on feelings, deprived of Habermasian rationality, and directed by the leaders.<sup>127</sup> Rational aspects of public opinion are opposed

sphere where, regardless of status, all public interests are multiple and valid, and not even the ruler's interests are absolute, disregarding such concepts as 'reason of state', usually invoked by the elites. On counterpublics, see Calhoun 2010.

<sup>122</sup> See Bauman 1992; Cape 1997 on women speaking in public and on Hortensia (App. BC. 4.32–33). The other case usually mentioned, that of Sempronia, produced before a *contio*, is doubtful. When confronted with the alleged son of her late brother Tiberius Gracchus, she is said by the sources to have rejected him (Val. Max. 3.8.6). However, it is not specified whether this rejection was done through a gesture or through words.

<sup>123</sup> Laud. 2.15–18; Osgood 2014: 56–57.

<sup>124</sup> Vell. Pat. 2.67.3; App. BC. 4.12; Plut. Ant. 19.2; D.C. 47.6.3. On female public presence during this period, see Cluett 1998.

<sup>125</sup> Goode 2005: 40–42 (criticism of Fraser). <sup>126</sup> Goode 2005: 43–47.

<sup>127</sup> López García 2001: 254, making an allusion to Weber.

to conceptions that focus on the role of the masses, and the psychology of crowds, moved by charismatic leaders.<sup>128</sup>

Noelle-Neumann has proposed a concept of public opinion applicable to situations in which opinions compete with one another. Public opinions are defined as behaviours that one person must express in order not to feel isolated.<sup>129</sup> Most people enter easily into group dynamics, which are related to different points of view. Once they belong or feel they belong to a group, the majority accept promptly the opinion of the others. The reasons are diverse: fear of being left aside, of being judged or of being criticised.<sup>130</sup> This, in fact, reinforces the opinion of the majority, since expressing opinions contrary to that of the biggest group requires a lot of courage and psychological strength. This is why dissenting views are sometimes hard to find. Also, for the study of the Late Roman Republic, this explains why sometimes we only find mentions of one main public opinion, perhaps two if the issue was hotly contested. It was likely that other people thought differently and that there were more than one or two opinions, but these were voiced much less, and the elite did not have access to them. Even within the elite, most people would try to align themselves within the current context of opinion. Uttering new opinions in a context in which ideas were more or less settled required an incontestable status within the group.

In this context, Noelle-Neumann proposed her theory of the spiral of silence. People are reluctant to speak up and express their views, so the view that seems to be

receiving vocal support appears to be stronger than it really was and the other view weaker. Observations made in one context spread to another and encouraged people either to proclaim their views or to swallow them and keep quiet until, in a spiralling process, the one view dominated the public scene and the other disappeared from public awareness as its adherents became mute.<sup>131</sup>

This process is triggered when people observe and express the views that they believe to be stronger, thus silencing conflicting views, making them disappear from public perception.<sup>132</sup> This element is caused by fear of isolation.<sup>133</sup> Tocqueville had already pointed out that people in the United States dreaded isolation more than error.<sup>134</sup> In an experiment by

<sup>128</sup> Gustave Le Bon and Gabriel Tarde are the classical authors of this tendency.

<sup>129</sup> Noelle-Neumann 1993: 62–63; 177–178. <sup>130</sup> Lazar 1995: 68–70.

<sup>131</sup> Noelle-Neumann 1993: 5. <sup>132</sup> Noelle-Neumann 1993: 5–6. <sup>133</sup> Noelle-Neumann 1993: 6.

<sup>134</sup> Tocqueville 1952: 207.



Asch that was analysed by Noelle-Neumann, most people agreed with the majority, even if they knew that the point of view was false and the issue was not of interest to them.<sup>135</sup> Frequently people are motivated by a desire to meet or conform to the positive expectations of another person or group.<sup>136</sup> Conformity constitutes the driving force.

What are the reasons for this? Fear of isolation, already mentioned, is part of our human nature and psychology. As we shall see, Cicero's fear of isolation from the group of the *optimates* was dreadful. At the beginning of the civil war, he tried to maintain an independent view and stance, attempting to cut a middle ground between Caesar and the Pompeians. Nevertheless, facing the continuous talk and rumours against him, Cicero finally left Italy to join the Pompeians, thus siding with the dominant view within his social and political circle.

This anxiety appears in its most extreme form in lynch mobs, in which people forgo their opinions and values because of it: people 'cease to be individuals under scrutiny from others who approve or reject their behaviour, and become completely absorbed instead by the anonymous mass. Thus they become freed from social controls which otherwise would dog every step they take within reach of public sight or sound'.<sup>137</sup> Another reason for repressing one's opinion in favour of that of the others is, according to Gabriel Tarde, learning.<sup>138</sup> Human beings learn through imitation and thus have a tendency and a need to agree with other people.

Noelle-Neumann does not link opinion solely with a politically active public, as Habermas does.<sup>139</sup> For her, the spiral of silence is a reaction of approval or disapproval in the face of changing values. Thus, public opinion is used as a means of social control; it ensures a level of compromise and agreement on which actions and decisions are based. Noelle-Neumann has disconnected public opinion from specific public issues.

The main problem or fault of many of these theories is their lack of concern for historical situations. Facts are rightly simplified to turn them into models, but this leaves aside the historical practice of public opinion. Furthermore, Habermas, Noelle-Neumann, and other authors have traced the idea of public opinion in political and philosophical thinkers, but have mostly ignored the study of the workings of public opinion before the eighteenth century.<sup>140</sup> Plato and Aristotle are mentioned as the roots of the concept, with their interpretations of *doxa* as the middle point between

<sup>135</sup> Noelle-Neumann 1993: 37–38. <sup>136</sup> See Deutsch and Gerard 1955.

<sup>137</sup> Noelle-Neumann 1993: 108. <sup>138</sup> Tarde 1969: 318. <sup>139</sup> Noelle-Neumann 1993.

<sup>140</sup> See Habermas 1989: 89–151; Noelle-Neumann 1979; 1993: 67–138. Speier 1950: 377 maintained that there was a gap in the knowledge of the workings of public opinion through history.

knowledge and ignorance.<sup>141</sup> Montaigne is another important signpost on the road to the emergence of the public sphere in the seventeenth to eighteenth centuries. This tendency is modified in studies devoted to the world after the eighteenth century, in which analyses of public opinion have referred to both theory and practice, and scholars pay attention not only to Kant's or Tocqueville's ideas but also to the role of public opinion in the French Revolution or in the Liberal revolts of the nineteenth century. However, this is not the case for previous periods of history. Plato's concept of public opinion is always mentioned, but rarely next to how public opinion really worked in fourth century Athens.<sup>142</sup> Historians have progressively addressed the topic of public opinion as a working system in several periods of history.<sup>143</sup> In his study on classical Athens, Gottesman prefers the term 'the Street' to 'public opinion'. He argues that public opinion is tainted by positive and negative connotations; and that 'the Street' describes a politicised space that is marginal to the political process.<sup>144</sup> Even though 'public opinion' is a controversial term, this study has opted to use it because it covers both elite and the plebs. Using a different term for marginal public opinion would reinforce the point of view of the elite and the marginalisation of other opinions. The term 'public opinion' does not differentiate between elite and the plebs and does not neglect any view whatsoever.

This work intends to demonstrate the existence of public opinion in the Late Roman Republic and to analyse its working mechanisms. This analysis will help to determine which model or theoretical approach to public opinion describes Roman public opinion with the greatest accuracy.

### 1.5 Censorship and Public Opinion during the Late Roman Republic

A study of public opinion and its existence in the public sphere should be concerned, in the first place, with the possibility of free speech in Rome, in both oral and written forms. Did Roman law allow the possibility of

<sup>141</sup> Lafrance 1981. <sup>142</sup> On Athens, see Gottesman 2014.

<sup>143</sup> The historiography is too extensive to be quoted fully here. See e.g. Sordi 1978 and Kuhn 2012 (collective volumes on the ancient world); Stow 1942 (Aristophanes); Jakob 2005 and 2012 (Cicero as 'Publizist'); Aja Sánchez 1996 (Roman emperors); Oliva Herrero 2011 (fifteenth-century Castile); Fox 1997 (sixteenth- and seventeenth-century England); Olivari 2002 (sixteenth- and seventeenth-century Castile); Piasenza 1993 (seventeenth- and eighteenth-century Paris) Ozouf 1988 (French Revolution).

<sup>144</sup> Gottesman 2014: ix–x.

censoring oral utterances or writings? Was there any kind of censorship in practical terms?

The existence of a concept of freedom of speech in classical Athens is universally recognised. Athenians used two main concepts to conceptualise it: *parrhesia*, boldness and freedom of speech, and *isegoria*, equality of participation and of speech.<sup>145</sup> In fact, these were not even called ‘rights’, but ‘powers’ (*exousiai*); if they posed no threat, they remained unregulated.<sup>146</sup> The distinction between these two concepts was especially important in the fifth century BC, when less conservative politicians realised that the fundamental right was freedom of speech, the right to say whatever they wanted, and not equality of speech.<sup>147</sup>

Difficulties and confusion arose when scholars tried to trace similar concepts in the Roman world. The nature of freedom was different in the ancient world. The existence of slavery, in which a person could forfeit or lose completely their rights and liberties, prevents us from recognising ancient freedoms as similar to our own, as something linked to human nature. For the Greeks and Romans, freedom was composed of laws and customs, which certain human beings had and of which others were deprived.<sup>148</sup>

Political freedom, though, was linked to citizenship, that is, to a certain legal status, as opposed to slavery.<sup>149</sup> Thus *libertas* applied only to Roman citizens, since it was an acquired civic right.<sup>150</sup> Roman political legal rights mainly covered immunity from punishment by magistrates and participation in political power.<sup>151</sup> In one of the few speeches in which he praised political freedom, Cicero equated it with doing as you liked as a citizen.<sup>152</sup>

However, the lack of a specific word does not mean that the concept did not exist; polysemy should be taken into account. Scholars have rejected the existence of a similar concept to the Athenian *parrhesia*, focusing on

<sup>145</sup> Scarpat 1964: 22–28 (*isegoria*), 29–37 (*parrhesia*); Momigliano 1971: 517–520 on *parrhesia*; Halliwell 1991; Saxonhouse 2006. On safe alternatives to criticism in Greece, see Ahl 1984. Historiographically, the tendency from the late 1990s has been to study state repression more than censorship (see Walton 2009: 234–235). *Parrhesia* was analysed by Foucault 2001 who traced the genealogy of critical activity. He conceived it as an idealised mode of truth-telling and as a form of bold and dangerous speech, the opposite of rhetoric. See Walzer 2013 on Foucault’s *parrhesia* from the rhetorical point of view.

<sup>146</sup> Wallace 2009: 171–174. <sup>147</sup> Raaflaub 2004: 48. <sup>148</sup> Brunt 1988: 296.

<sup>149</sup> Brunt 1988: 266; Arena 2012: 28–29. *Libertas* as opposed to slavery and its depiction in coinage see Arena 2012: 30–44.

<sup>150</sup> Wirszubski 1950: 3–4.

<sup>151</sup> Brunt 1988: 297, 330–338. For a discussion of other freedoms within the Roman world (freedom of philosophical discussion, of worship, of *mores*, economic freedom), see Brunt 1988: 301–307.

<sup>152</sup> Cic. Planc. 16 (speaking about the secret ballot, which gave to the people ‘eam libertatem ut quod velint faciant’).

official freedom of speech, which was available only to magistrates with *auctoritas*.<sup>153</sup> In both ancient times and modern scholarship, it is a question of what is defined as freedom of speech. For Valerius Maximus, it could be either a virtue or a vice, depending on the context.<sup>154</sup> *Libertas* as a concept was, during the Roman Republic, traditionally linked to recurrent political patterns: opposition to extraordinary powers, the support of the *senatus consultum ultimum*, and opposition to land distribution. This ideal of *libertas* was associated with certain rhetorical claims in political debates by both *populares* and *optimates*.<sup>155</sup> Arena claims that, in both cases, there was a shared idea of *libertas*, regardless of political discrepancies, defined as the status of non-subjection to an arbitrary will, either foreign or Roman. This principle could be used to legitimise various courses of action, since adversaries could always be presented as those who were putting *libertas* at risk.<sup>156</sup> In the practice of Roman politics, as we shall see, libel laws were not enforced and public discourse was not controlled. However, freedom of speech should not be confused with freedom of (public) speaking. Official public discourse was controlled by the elite. The *potestas contionandi*, possessed by magistrates in office, allowed them to speak to the public and to give the floor to other speakers, including private citizens.<sup>157</sup> Even though there were no restrictions as to who could address the people, an individual's presence on the platform depended upon the convoking magistrate's wishes.<sup>158</sup>

Scarpat surveyed possible translations of *parrhesia* to Latin, and settled on *licentia*, as defined by the *Rhetorica ad Herennium* as the direct translation of the Greek rhetorical figure *parrhesia*.<sup>159</sup> However, both concepts, *libertas* and *licentia*, were of loose definition.<sup>160</sup> For the Romans, *libertas* was a not a free card to behave as you liked, but the

<sup>153</sup> Aja Sánchez 1996: 299. <sup>154</sup> Morgan 2007: 140–141. <sup>155</sup> Arena 2012: 5. <sup>156</sup> Arena 2012.

<sup>157</sup> Pina Polo 1989: 43–53; 1996: 12–23; Pina Polo 2012. Pina Polo 1989b has analysed the only instance in the sources of *ius contionandi*, which appeared in an inscription in honour of Caius Iulius Iunianus, a citizen of the colony of Alexandria Troas, by the first century AD (CIL III 392 = ILS 7192). He has argued that the citizen honoured was not a magistrate, so he could not have had *potestas*. The *ordo decurionum* granted him *ius contionandi* instead. Caius Iulius Iunianus considered it a worthy privilege, since it is mentioned alongside the rest of his magistracies. In any case, the right to speak was referred to by the sources as *potestas contionandi*, not as *ius contionandi*: Cic. Fam. 5.2.7; Leg. Agr. 2.91; Pina Polo 1989: 43–53; 2012: 52, n. 35.

<sup>158</sup> Pina Polo 1989: 74–75 on some restrictions, related to condemnation in a trial which entailed *infamia*.

<sup>159</sup> Rhet. Her. 4.48; see Quint. 2.4.3; 4.1.58; Scarpat 1964: 109–143.

<sup>160</sup> Scarpat 1964: 111 asserts that, in previous times, *libertas* and *licentia* were two aspects of the same concept. However, by the first century BC, *licentia* was the objective liberty of give and take, or the one given by a privilege, while *libertas* was linked to a political situation. E.g. Cic. Off. 1.103; 3.20.

opposite of *licentia*.<sup>161</sup> The problem is that, as is always the case with abstract concepts, a definition depends much on the personal view of the individual who defines it.<sup>162</sup> Thus ballot laws, which bestowed the secret vote upon Roman citizens, were defined as either *libertas* or *licentia* according to the speaker and the occasion.<sup>163</sup> Popular *libertas* was a threat to senatorial *auctoritas*.<sup>164</sup> Cicero even opted for *contumacia* to describe abuses of power, an unchained and uncontrolled *libertas*.<sup>165</sup> *Contumacia*, as defined by Roman law, was non-obedience to an order of a magistrate or a judge, including contempt of court. However, none of these terms was, according to Scarpat, associated with the verb ‘to say’, which was central to the Greek term.<sup>166</sup>

### 1.5.1 Legal Constraints: Censuring Writings and Speech

Oral practices of abuse had a long Italian and Roman tradition, related in many cases to popular justice.<sup>167</sup> In fact, they were the roots of Roman satire, as developed by Horace and Persius.<sup>168</sup> *Convicium*, for instance, was a charivari, in which people pursued the target throughout the streets.<sup>169</sup> The *Digest* devoted a long section to it.<sup>170</sup> *Occentatio* has been considered by some scholars as a synonym for *convicium facere*. According to Labeo, shouting (*convicium*) fell under the category of *iniuria*, which was sanctioned in the first written collection of Roman laws, the Twelve Tables.<sup>171</sup> The oral aspect is well attested, since it was defined as a ‘combination of voices’ (*collatio vocum*).<sup>172</sup> Nevertheless, the jurists were clear in the sense that not all shouting was condemned, only ‘that which offends against sound morals and is directed to the disgrace (*infamia*) and unpopularity (*invidia*) of an individual’.<sup>173</sup> The mention of morals was also clarified as invoking not the morals of the offender, but

<sup>161</sup> Liv. 34.1.14; Wallace 2009: 174–176. Scarpat 1964: 112: ‘*licentia si contraporrà ormai alla libertà, di cui rappresenterà gli eccessi et gli abusi*’ (e.g. Liv. 34.2.14; Liv. 3.37.8).

<sup>162</sup> See Brunt 1988: 320–321 for the relative differences between freedom and *licentia*.

<sup>163</sup> Brunt 1988: 321, esp. n. 103 with complete references. E.g. Cic. Resp. 3.23; Sest. 103; Ryan 2004.

<sup>164</sup> Marco Simón and Pina Polo 2000b: 279. E.g. Cic. Rep. 2.53; 57, 59. <sup>165</sup> Scarpat 1964.

<sup>166</sup> Scarpat 1964: 143. <sup>167</sup> For the popular justice interpretation, see Usener 1913.

<sup>168</sup> Braund 2004: 409.

<sup>169</sup> Veigne 1983: 21–25. It could even be done in the Forum: Pseudo Quint. Declam. min. 364.

<sup>170</sup> Dig. 47.10.15.2–14.

<sup>171</sup> Ulp. (77ad ed) Dig. 47.10.15.3. Twelve Tables: tab 8, 4 (Gell. NA. 20.1.12). On *iniuria* and the legal *actio* related to it, see Zimmermann 1996: 1050–1054; Bravo Bosch 2007; Escutia Romero 2009: 185–190. On *flagitatio* and *occantatio*, see Muñoz Coello 2014: 91–97.

<sup>172</sup> Ulp. (77 ad ed) Dig. 47.10.15.4.

<sup>173</sup> Ulp. (77 ad ed) Dig. 47.10.15.5: ‘*quae bonis moribus improbatum quaeque ad infamiam vel invidiam alicuius spectaret*’. Reprised in Ulp. (77 ad ed) Dig. 47.10.15.27.

those of the city.<sup>174</sup> Thus, *iniuria* not only comprised ritual shouting, which could be related to hexes and spells (*mala carmina*), but also plain defamation (*famosa carmina*).<sup>175</sup> Modern scholars are divided in this respect, with the majority accepting the first interpretation, that is, that *iniuria* related to magical elements.<sup>176</sup> Nevertheless, in none of the cases could *iniuria* be interpreted as defamation against politicians (unless carried out in ritual shouts), and it was never used as such during the Republic.<sup>177</sup>

The legal repression of the oral expression of opinions had a much longer tradition, and was linked to two elements: the theatre and ritual shouting. In Athens, the law forbade the direct representation of contemporary issues in the theatre. In Rome, actors and playwrights could express political criticism in the theatre, especially aimed at specific politicians, but under certain constraints, and depending on the period. At the end of the third century BC, the poet Naevius was first put into prison and later exiled for criticising in his plays some important politicians, either Scipio or the Metelli.<sup>178</sup> Scholars hesitate about the charge that brought him to prison; probably the praetor used a stretched interpretation of the charge of defamation (*carmina*), as covered by the Twelve Tables.

The second half of the second century BC witnessed further attempts to censor the theatre. Popular theatre was suppressed by the censors in 115 BC. Lindsay suggests that unsuitable political references could have been at the heart of such decisions.<sup>179</sup> Furthermore, in two separate trials, the playwright Luccius Accius and the poet Lucilius brought to court two mimes for mentioning them in their plays. The situation had evolved from Naevius' times. The plaintiffs sued for damages under the praetor's edict, in a civil suit, not under the Twelve Tables.<sup>180</sup> Accius

<sup>174</sup> Ulp. (77 ad ed) Dig. 47.10.15.6.

<sup>175</sup> The text used by the interpretation of *famosa carmina* is Cic. Rep. 4.12. This view was mainly defended by Mommsen 1899: 800.

<sup>176</sup> For a survey on the different interpretations, see Bravo Bosch 2007: 38–46.

<sup>177</sup> There are no references in the sources to a praetorian *actio iniuriarum ex edicto ne quid infamandi causa fiat* for written defamation.

<sup>178</sup> Gell 3.3.15. Prison: Plaut. Mil. glor. 211. He was imprisoned, not killed as the XII Tables asserted (Aug. Civ. Dei 2.9 = Cic. Rep. 4.12). The line, of dubious interpretation, was: 'fato Metelli Romae fiunt consules'. Scipio Aemilianus: Gell. 7.8.5. Metelli: Pseudo-Asc. in Cic. Verr. 1.28. The authenticity of the line has been discussed: see Frank 1927: 105–106; on the debate, see Smith 1951: 170. Muñoz Coello 2014: 87 sets this episode in the conflict between the frank character of the people of Campania, from where Naevius came from, and the new ethics of the arrogant Roman aristocracy; cf. Manuwald 2015.

<sup>179</sup> Cf. Cassiodorus year 639 AUC; Lindsay 1949: 240. <sup>180</sup> Smith 1951: 171–172.

won the case for *iniuria*, while Lucilius lost his case under the same charges.<sup>181</sup>

These previous cases may explain the situation during the first century BC: during the plays, actors could point to someone, or make oblique allusions to him. The tragic actor Diphilus criticised Pompey during the games of Apollo in 59, by pointing at him while reciting the words *nostra miseria tu es magnus*.<sup>182</sup> People called him back several times for an encore, to which he complied with the same outstretched hand. Diphilus repeated this behaviour with other verses during his act, eliciting the same reaction of approval from the crowd. Deprived of further references to trials against actors, we are at loss to confirm whether this oblique way of alluding to politicians was customary or the result of further trials and legal enforcements. In any case, such restrictions seem only to have been applied to the theatre; there are no mentions of any legal restrictions on other kinds of public or private speech.

The Republic lacked legal bases on which to censor writings. By the end of the second century BC, books became more common and political pamphlets appeared.<sup>183</sup> Gil justified the absence of legislation against written calumnies with the low diffusion of the reading habit. This hypothesis does not seem to conform to the reading habits of the elite. Roman elites were as literate in the third century as they were in the second century BC. Thus, it was not a change in their reading habits that led to a change in the law. However, political literature became more frequent because it began to play a more important role in politics. Finley asserted that the State did not legislate against pamphlets because they had no real impact.<sup>184</sup> However, counter-pamphlets, as we have seen, were readily written and circulated, so their repercussions should not be underestimated.

Sulla had tried to blunt this weapon. The problem with ascertaining the scope of Sulla's reform, which enabled censorship, is that the *lex Cornelia de iniuriis* is conserved in the *Digest* through Ulpian, and is thus framed in Imperial juridical terminology:

When a person writes anything for the purpose of defaming another, or composes, or publishes it, or maliciously procures this to be done, even though it may be published in the name of someone else, or without any name, he can be prosecuted under this law and if he should be convicted, he

<sup>181</sup> Accius: Rhet. Her. 1.24. Cf. Gil 1985: 116–117. Lucilius: Rhet. Her. 2.19. The sources omit to mention what kind of *actio* had been applied in these two cases. It was a *iudex* who took the decision in Lucilius' case.

<sup>182</sup> Cic. Att. 2.19.3; Val. Max. 6.2.9. <sup>183</sup> Gil 1985: 117. <sup>184</sup> Finley 1980: 19.



will be declared incapable of testifying in court. He who publishes any inscriptions, or anything else, even if it is written, for the purpose of libelling another, will incur the same penalty, under the Decree of the Senate, as a person will who has caused any of these things to be purchased, or sold'.<sup>185</sup>

*Infamia* was the charge levelled by the law.<sup>186</sup> The *senatus consultum* mentioned was, according to Pfaff, a later modification of Augustan times; the charges against anonymous writers or those who wrote under a false name could also date from that later period of time.<sup>187</sup> Interestingly, the law not only pursued the writer but also the distributors and buyers of the work (*emendum vendendumve*).<sup>188</sup> Furthermore, the phrasing of the law hints at a possible benefit to the State in exposing such acts (*publica utilitas*).<sup>189</sup> Few other facts help to date this precisely: the Augustan jurist Labeo is mentioned, who stated that *iniuria* could be committed either by acts or by words.<sup>190</sup>

The problem of identifying clearly the nature of Sulla's law is that the text that could illustrate it for us is corrupt, and different readings are possible.<sup>191</sup> Lindsay's hypothesis holds that Sulla's law covered defamatory speeches, thus leaving to Augustus the introduction of a similar charge against *libelli*. Sulla's interdiction to defame a person in public would then be a precaution against criticism.<sup>192</sup> The *lex Cornelia de iniuriis* apparently prosecuted three kinds of behaviour: *pulsare, verberare*, and *domum introire*.<sup>193</sup> These charges, from Sulla onwards, would be treated by a *quaestio extraordinaria*, a non-permanent court designed within the framework of other similar *quaestiones*.<sup>194</sup>

Despite the existence of such a law, it seemed that Roman politicians thought of political literature as part of the game. The absence of mentions in the sources does not guarantee that the law was not in fact enforced throughout the whole of the first century BC (at least until Augustan

<sup>185</sup> Ulp. (56 ad ed) Dig. 47.10.5.9–10: 'Si quis librum ad infamiam alicuius pertinentem scripserit composuerit ediderit dolove malo fecerit, quo quid eorum fieret, etiamsi alterius nomine ediderit vel sine nomine, uti de ea re agere liceret et, si condemnatus sit qui id fecit, instabilis ex lege esse iubetur. Eadem poena ex senatus consulto tenetur etiam is, qui epigrammata aliudve quid sine scriptura in notam aliquorum produxerit: item qui emendum vendendumve curaverit'. On the possible interpretations of this law, see Smith 1951: 172–177; Rogers 1951.

<sup>186</sup> Rudd 1986: 40–43 on civil process for *infamia*.

<sup>187</sup> RE. s.v. *liber* (Pfaff), col. 62; Gil 1985: 138–139. <sup>188</sup> Ulp. (56 ad ed) Dig. 47.10.5.10.

<sup>189</sup> Ulp. (56 ad ed) Dig. 47.10.5.11. <sup>190</sup> Ulp. (56 ad ed) Dig. 47.10.1.1.

<sup>191</sup> Cic. Fam. 3.11.2. Cf. possible readings in Lindsay 1949: 241–242. <sup>192</sup> Lindsay 1949: 242–243.

<sup>193</sup> Berger 1953: 549.

<sup>194</sup> Other charges, politically more relevant, such as electoral corruption (*ambitus*), provincial extortion (*repentunda*), and embezzlement (*peculatus*) were reformed into permanent courts (*quaestio perpetua*). See Keaveney 2005: 146–148.



times), but it is nevertheless striking. When Suetonius underlined the ease and good humour with which Caesar bore slander from his soldiers or from other writers, he was obviously setting it against the intransigence of future emperors like Augustus or Tiberius in similar (or even better) circumstances. Catullus and Licinius Calvus lambasted Caesar and his associates. Caesar was well disposed towards reconciliation.<sup>195</sup> Catullus expressed regret at having written his verses against Mamurra; Caesar invited him to dinner and did not seem to have held any grudge.<sup>196</sup> Nevertheless, appeasement after Luca did not mean censorship. A few years later, Calvus was attacking Vatinius, an assistant of the 'triumvirs' whom even Cicero had to defend in court.<sup>197</sup>

After the civil war, Caesar did not prosecute any of the pamphleteers who had criticised him or his cause. Some of them he forgave, and they came back to Rome. Others, such as Caecina or Nigidius Figulus, were not forgiven and were kept in exile; nevertheless, they were never accused under the *lex Cornelia de iniuriis*, and there was no hint of the possibility of such a prosecution.<sup>198</sup> For a Roman Republican politician, this would not have been an appropriate course of action. However, when Octavian came to power, he answered some pamphlets personally, but also used the treason law to punish *libelli famosi* against his person.<sup>199</sup>

### 1.5.2 *Censorship in Practice before 49 BC*

Regarding freedom of speech, in practical terms Roman political life of the first century BC was a multifaceted experience. Official public discourse was controlled by the elite, since only magistrates could summon a *contio* and invite others to speak before the public.<sup>200</sup> The political elite controlled, or attempted to control, all official public discourse. Even so, the position of the orator was very precarious, since he could only rely upon his voice, arguments, and status to make himself heard. If he failed to do so, his political position would be diminished. This point exposes the problem of

<sup>195</sup> Suet. DI. 73.1; Gruen 1967: 222–225 on Calvus' reconciliation.

<sup>196</sup> Suet. DI. 73; Frederick Meyer 1973 has proposed that Cicero may have mediated between Catullus and Caesar, which would explain the former's poem of praise towards the orator (Cat. 49).

<sup>197</sup> Sen. Contr. 7.4.6 (altercation during the trial between Cicero and Calvus). On Calvus' feud with Vatinius, see Gruen 1974: 303.

<sup>198</sup> See Chapter 5.

<sup>199</sup> Tac. Ann. 1.72.4. On written censorship: Forbes 1936; Cramer 1945. On the suggestion that Augustus extended the scope and put into practice Sulla's law *de iniuriis*, see Smith 1951: 178–179.

<sup>200</sup> See p. 29.

who was actually more powerful: the speaker or the listener, who decided whether or not to pay attention to him, to shout at him, or to ignore him.<sup>201</sup> The censor Caius Claudius had to resort to a *praeco* to obtain silence in a hostile *contio*.<sup>202</sup> During the assembly before the voting of the *lex Gabinia*, which gave Pompey control over the war against the pirates, only Catulus could get some peace; the rest of the general's opponents were unable to speak.<sup>203</sup> Faced with this problem, accusations of hired crowds became popular, especially in the fifties BC.<sup>204</sup> Scribonius Curio was apparently abandoned by his audience during a public speech, an episode still remembered decades later.<sup>205</sup> Cicero praised Cato for his conduct during the Catilinarian conspiracy, stating that the latter had dared to express an opinion (*sententia*) whose unpopularity (*invidia*) could turn people against him.<sup>206</sup> These compliments imply that not all senators dared to do it. The pairing of *invidia* and the expression of an unpopular opinion reappeared several times, since it was something that had to be taken into account when speaking in public.

Unfettered speech was the basis for political exchanges between the elite. Slandorous attacks and heavy insults were the norm in a political climate in which invective was habitual, regardless of age and status. A young man could tell Pompey that he would bring him to trial if the latter did not start a civil war to avoid it, and could continue to have a fairly successful political career.<sup>207</sup> Facing accusations of absolute power, Pompey was careful not to show annoyance at the jibe, attesting to the fact that it was part of everyday politics.<sup>208</sup>

However, occasionally the elite seems to have resented such censure from well-off citizens who did not belong to the senatorial circle. The *eques* Plancius *pater* led a delegation of *equites* who demanded a renegotiation of the public contract for taxes in Asia in 61 BC.<sup>209</sup> When his request was refused, he uttered harsh, stinging words in the Senate. Plancius' reproaches were still resented and begrudged by some senators nine years after the deed, when his son was accused of electoral corruption. The accuser claimed: 'But

<sup>201</sup> On discipline of the audience in *contiones*, see Morstein-Marx 2004: 52–53; Jehne 2011: 75, n. 85.

<sup>202</sup> Liv. 43.16.8. <sup>203</sup> Plut. Pomp. 25. <sup>204</sup> E.g. App. BC. 2.131 (Lepidus). <sup>205</sup> Cic. Brut. 305.

<sup>206</sup> Cic. Sest. 61.

<sup>207</sup> Cn. Calpurnius Piso, future consul 23 BC, in the trial against Manilius. The date of the trial is unknown. Steel 2012: 151 n. 1 suggests that the allusion to Pompey's power fits better in the sixties than the fifties. See Val. Max. 6.2.7 for another jibe, by Favonius, at Pompey's alleged aspirations to absolute power.

<sup>208</sup> Val. Max. 6.2.7.

<sup>209</sup> Cic. Att. 2.16.2; DC 38.7.4; App. BC. 2.47ff; on this affair, see Balsdon 1962: 135–137; Rosillo-López 2003: 60.

that speaking freely ( . . . ) is not to be borne.’<sup>210</sup> Clearly, the father’s attitude weighed heavily against the son’s chances of being acquitted. Cicero, who spoke for the defence, was at pains to justify Plancius *pater*’s behaviour. His strategy, in fact, was aimed in several directions, which may explain his difficulties in mounting the defence. First of all, he praised freedom of speech; later on, he tried to make the judges (especially the equestrian judges) empathise with Plancius, in a strategy well described by Quintilian to deal with contrary public opinion.<sup>211</sup> To exonerate the *eques*, the orator claimed heat and provocation. ‘For what expression was ever used by Plancius which was not dictated by grief rather than by insult? And what did he ever complain of, except at times when he was protecting his companions or himself from injury?’<sup>212</sup> Finally, in a desperate move, Cicero even denied that the father of his defendant had uttered all the words attributed to him.<sup>213</sup> For these reasons, sections 33–35 of the *Pro Plancio* read as an unaccustomed defence by Cicero of freedom of speech, even in the Senate.

Zucchelli asserted that the *libertas* of the Romans was limited to the upper classes.<sup>214</sup> Raafaub, linking the aristocratic concept of *libertas* with *dignitas* and power, claims that even amongst the political elite, freedom of speech was restricted, since the Senate’s leaders were much freer than other senators.<sup>215</sup> However, the fact that senators had to speak in a particular order did not imply that they had lost their freedom of speech. The concept of aristocratic freedom of speech dominated the whole political discourse; the political elite tried to enforce the idea that they were the only people authorised to talk in public and to speak their minds freely. In this case, it was not a question of socio-economic status or class, but of being one of the political rulers. Thus, although Plancius *pater* was a powerful, wealthy, and well-considered *eques*, he was still frowned upon by senators because of his thunderous and irate intervention against the *patres* in the Senate.

This apparent lack of restraint was also visible in the relationship between the political elite and the rest of the citizens. Practical constraints precluded the silencing of large numbers of people. At some events, such as the theatre, the sheer size of a multitude voicing an opinion prevented its suppression without the intervention of military force.<sup>216</sup> Roman sources

<sup>210</sup> Cic. Planc. 33: ‘immo fortasse liberius. At id ipsum’, inquit, ‘non est ferendum’.

<sup>211</sup> Cf. pp. 201–204.

<sup>212</sup> Cic. Planc. 34: ‘quae enim umquam Plancio vox fuit contumeliae potius quam doloris? quid est autem umquam questus nisi cum a sociis et a se iniuriam propulsaret?’. On Cicero vying for the solidarity of equestrian judges in the *Pro Plancio*, see Berry 2003: 232–233.

<sup>213</sup> Cic. Planc. 33–35. On this affair, see Balsdon 1962: 135–137. <sup>214</sup> Zucchelli 1982.

<sup>215</sup> Raafaub 2004: 54–57. <sup>216</sup> D.C. 59.13.3–9 (ordered by emperor Gaius).

mention citizens voicing their opinions freely to the elite. Even though elite and people did not share frequent socialising moments, during which such remarks could be exchanged, sources mention moments in which lower-class citizens spoke their minds to Roman politicians. Electioneering was a period during which candidates had to court their prospective voters face to face, not all of whom belonged to their own social class. During the rest of year, the Forum and the streets were probably the places where elite and the plebs could meet and interact.<sup>217</sup> The consul Scipio Nasica had a conversation in which he was rebuked by a plebeian in the middle of the Forum, while he was going home.<sup>218</sup> Cato heard slanderous gossip against Murena on a street-corner.<sup>219</sup> Even in Imperial times, the highly suspicious emperor Gaius bore a joke made by a shoemaker; Dio Cassius explained his behaviour by stating that, when voicing criticism and public opinion, status mattered.<sup>220</sup>

Valerius Maximus mainly featured ordinary people in his section on freedom of speech.<sup>221</sup> Helvius Mancina, for instance, the elderly son of a freedman from Formiae, evoked vividly during a trial Pompey's victims during the wars, winning the repartee against the powerful politician.<sup>222</sup> He also chided Antonius when he was prosecuted for electoral corruption.<sup>223</sup> People shouted insults about a senator openly in the streets.<sup>224</sup> Chrissanthos has pointed out that, when soldiers from Rome served for a length of time, trouble between commander and men arose, because soldiers willingly exercised the freedom of speech to which they were accustomed.<sup>225</sup> In a more extreme case, persecution by the people led a senator to leave the city. Scipio Nasica Serapio, consul 138 BC and *pontifex maximus*, led senators into the murder of Tiberius Gracchus and his followers, covering his head with the hood of his religious robe, thus ritualising the killing. In the aftermath, he was harassed in the streets, and people called him a tyrant and an accursed man in public.<sup>226</sup> This popular justice proved too much for Nasica Serapio, who left Italy and died in Pergamum, even though his religious position precluded him from abandoning the city.<sup>227</sup> In this case, freedom of speech obtained the vengeance that tribunals could not achieve.

<sup>217</sup> Cf. Chapter 2. <sup>218</sup> Cic. Planc. 33. <sup>219</sup> Cic. Mur. 13. <sup>220</sup> D.C. 59.26.9.

<sup>221</sup> Morgan, 2007: 140–141. <sup>222</sup> Val. Max. 6.2.8; Steel 2012: 151–159. <sup>223</sup> Cic. De orat. 2.274.

<sup>224</sup> Cic. Mur. 13.

<sup>225</sup> Chrissanthos 2004: 348–350 has coupled freedom of speech with political awareness and the assumption that commanders were responsible for their well-being. On freedom of speech altering the course of campaigns (mutinies, demands or refusal to attack), see *ibid.*, 356–365.

<sup>226</sup> Plut. Tib. Grac. 21. See Briscoe 1974: 133–134 on Nasica Serapio's opposition to Gracchus.

<sup>227</sup> Plut. Tib. Grac. 21.

The *praeco* Granius was the most famous popular presence in anecdotes on *libertas*.<sup>228</sup> A friend of Crassus the orator, Granius' wit was legendary, to the point that a reference to him in a trial thirty or forty years later would still be understood by the audience.<sup>229</sup> Cicero also included several of Granius' *bons mots* in his *De oratore*.<sup>230</sup> Interestingly, freedom of speech was often associated with laughter and wit.<sup>231</sup> Granius' comments were not remembered as an example of his freedom of speech, but of his *dicacitas*, his biting wit or banter. David described Granius as a kind of jester, politically dumb and excluded from the public sphere, which would give him complete freedom of speech.<sup>232</sup> However, his part in the political debates between 91 BC and 88 BC, supporting Livius Drusus and Sulpicius Rufus, made Sulla proscribe him.<sup>233</sup> Furthermore, the ability and possibility of exchanging banter, or even unidirectional smart remarks, with Roman politicians is, in fact, proof of that freedom of speech. Granius was not, indeed, excluded from the public sphere: his rebuke against Scipio Nasica was politically charged, since he accused him publicly of corruption, voicing public opinion. Rumour held that the consul was delaying embassies in order to make more money out of them: 'Granius, the crier, replied to the consul Publius Nasica in the middle of the Forum, when he, after a suspension of all judicial proceedings had been proclaimed, as he was returning home, had asked Granius "why he was sad; was it because all the auctions were postponed?" "Rather," said he, "because they have sent back the ambassadors"'.<sup>234</sup> Accepting money from foreign embassies was not punished by law, but it was considered a grey area, whose legality could be disputed.<sup>235</sup> Granius was actually expressing heavy criticism, which could not be dismissed, since such acts were disapproved of. The *lex Gabinia* of 67 BC reserved the month of February for the reception of embassies by the Senate, in order to avoid deliberate delaying of their admission for money.<sup>236</sup>

The natural *libertas* of the Roman people was something that was also considered by the elite as part of the political game. In fact, on few

<sup>228</sup> See Rauh 1989: 452–454 on the difficulties of ascertaining the distinction between herald and auctioneer as the translation of *praeco*.

<sup>229</sup> Friend of Crassus: Cic. *De orat.* 2.244; Cic. *Brut.* 160 (Crassus assisted to a dinner in Granius' home). Reference in a trial: Cic. *Planc.* 33.

<sup>230</sup> Cic. *De Orat.* 2.281–282. <sup>231</sup> Corbeill 1996. <sup>232</sup> David 1985: 71.

<sup>233</sup> On Granius' political career, see Rauh 1989: 455–456.

<sup>234</sup> Cic. *Planc.* 33: 'consuli P. Nasicae praeco Granius medio in foro, cum ille edicto iustitio domum decedens rogasset Granium quid tristis esset; an quod reiectae auctiones essent: 'immo vero', inquit, 'quod legationes'.

<sup>235</sup> Rosillo-López 2010: 136–143.

<sup>236</sup> Cic. *Fam.* 1.4.1; *Att.* 1.14.5. See Bonnefond 1984: 71–73; Pina Polo 2011: 261–264 has argued that the law confirmed the habitual practice of receiving ambassadors at the beginning of the consular year.

occasions did this *libertas* damage the prospects of any politician. For the most part, it was harmless, since all politicians shared this concept and were aware of it. Nevertheless, opponents always took careful note of these criticisms: one of the frequent issues in Cicero's letters was how the public received certain politicians during spectacles, especially noting with glee when his enemies (Caesar and Clodius, amongst others) were hissed.<sup>237</sup> These public expressions were considered a testimony of the temperature of public opinion, as Cicero stated in one of his most oft-quoted sentences: 'The popular feeling can be seen best in the theatre and at public exhibitions.'<sup>238</sup> Being away from Rome in April 44 BC, Cicero asked Atticus for information about the political situation: 'If you have any news of practical importance, let me hear it; if not, give me full details as to who was cheered by the people at the mimes, and the epigrams of the actors.'<sup>239</sup> Cheering and clapping outside the Senate seemed not to be an old custom. Cicero complained about this, despising the people's behaviour, even if it went in his own favour.<sup>240</sup> Taking into account that this situation happened on his return from exile, during a glorious day, it is possible that Cicero associated this new fashion with Clodius and, in his view, with a more populist way of conducting politics. If this was the case, it is interesting to point out that even the crowds favourable to Cicero had adopted the new ways devised by their political opponents.

There were ways of silencing popular public opinion. When force could not be used, the Roman elite tried to pull rank and use their *auctoritas*.<sup>241</sup> *Auctoritas* comprised the acts and words that created *fides*, and also made one person's opinion more important than that of others, thus enabling censorship.<sup>242</sup> Valerius Maximus mentioned the *privata censura*, the censure of the great men (*maiestas clarorum virorum*) who acted as extra-official censors.<sup>243</sup> Cicero tried to appeal to Cato's great *auctoritas*, praising him immensely, in order to prevent him from believing the insults about Murena that people shouted in the streets.<sup>244</sup> The authority of certain men could have great weight in the opinions of the people, as Cicero claimed for Catullus and Hortensius.<sup>245</sup>

<sup>237</sup> E.g. Cic. Att. 2.18.1, recalling the praises to young Curio and the hissings to Fufius.

<sup>238</sup> Cic. Att. 2.19.3: 'Populi sensus maxime theatro et spectaculis perspectus est'.

<sup>239</sup> Cic. Att. 14.3.2: 'Tu si quid pragmatikon habes, rescribere; sin minus, populi episēmasian et minorum dicta perscribito'.

<sup>240</sup> Cic. Att. 4.1.6. <sup>241</sup> Brunt 1988: 327–330 links senatorial freedom and senatorial *dignitas*.

<sup>242</sup> On *auctoritas*, see Hellegouarc'h 1963: 315; Bettini 2005. <sup>243</sup> Val. Max. 2.10 praef.

<sup>244</sup> Cic. Mur. 13. <sup>245</sup> Cic. Leg. Man. 51.

When the soldiers voted against the triumph of their general, Lucius Aemilius Paullus, the voting was upheld. M. Servilius scolded them, calling them Quirites, and recalled the people to vote again, getting the result he desired.<sup>246</sup> Scipio Nasica spoke in a *contio* against taking measures to alleviate the increase in the price of the grain. Facing shouts from the people, he ordered them to shut up, since he knew much better than they did what was good for the *res publica*. His *auctoritas* silenced them.<sup>247</sup> Scipio Aemilianus had the arrogance and status required to try to overcome such a situation. When he voiced in public his disapproval of the late Tiberius Gracchus' work in a *contio*, and defended the legality of his murder, his audience protested and complained. Aemilianus insulted them to no avail, rebuking them twice. The second time, his listeners were silenced: 'The silence was not a tribute to fear, but because many anxieties of Rome and Italy had been brought to an end thanks to the Aemilian and Cornelian clans, the Roman populace was not able to answer freely to Scipio's free speech.'<sup>248</sup> In this case, it was not Scipio Aemilianus' *auctoritas* that had subdued the citizens he had just insulted but the deeds and services done by his family to the State. Of course family heritage was part of a politician's status, but not exclusively so. In fact, for Valerius Maximus, Scipio's *libertas* cancelled out the plebs' *libertas*, as he viewed both freedoms on the same level. This resort to personal status could not be pulled off by all politicians, since it could be dangerous for a political career. Cato accused Pompey of being a dictator in a *contio*, and was almost killed by the assembly.<sup>249</sup>

Popular public opinion could sometimes also be fully dismissed. When adverse shouts were heard in a trial, Cicero pointed out that those people were small in number.<sup>250</sup> Only when that expression of popular public opinion agreed with what the elite thought and wanted, then, at that moment, would someone like Cicero consider it legitimate.<sup>251</sup>

Finally, another form of silencing popular public opinion was through the discrediting of its expression in certain places, and recognising it at only some events. Cicero only considered popular opinion as rightfully expressed in the theatre, in games, and in some *contiones*.<sup>252</sup> However, as has been discussed in previously, popular opinion was not restricted

<sup>246</sup> Liv. 45.36–38. On disagreeing with the people, see Jehne 2011.

<sup>247</sup> Val. Max. 3.7.3, 138 BC; see Jehne 2011: 112.

<sup>248</sup> Val Max. 6.2.3: 'nec timori datum est silentium, sed quia beneficio Aemiliae Corneliaeque gentis multi metus urbis atque Italiae finiti erant, plebs romana libertati Scipionis libera non fuit'. Cf. Plut. Tib.Grac. 21.7–8. On Aemilianus' political views, see Scullard 1960.

<sup>249</sup> Cic. QF. 1.2.15. <sup>250</sup> Cic. Rab. Perd. 18. <sup>251</sup> Cic. Phil 1.37. <sup>252</sup> Cic. Phil. 1.36.

to these places; the elite accepted these, because they could control the attendance of these events up to a certain point. For them, a comment in the street, at a fountain, while eating, or while socialising did not count.

By the Principate, *auctoritas* had become a bulwark, a barricade against freedom of speech and *licentia*. For this reason, Imperial writers such as Valerius Maximus and Suetonius were at pains to understand the freedom of political speech that existed during the Republic and tried to explain to their readers why the status of the greatest politicians of the Republic did not make them immune to public opinion and criticism.<sup>253</sup> This explains the mentions of occasions on which Pompey or Caesar had to endure mockery, since it was part of the political game.<sup>254</sup>

In conclusion, in peaceful times, Romans only understood *libertas* as a means of expression, without any pejorative connotations: what we would call freedom of speech. Other words (*licentia*, *contumacia*) were tainted with the disapproval of the elite towards unfettered speaking. During the second and first centuries BC, no laws seem to have been put into practice to control public opinion. The Roman political elite had the vocation and interest to monopolise public speaking, controlling the locations and occasions on which somebody could address the people, and trying to pull rank and status if they had the opportunity. However, during the Late Roman Republic, public criticism of opponents was part of the political game and was accepted as such by all participants. Interestingly, this expression of opinions, sometimes bordering on slander, was not a custom restricted to senators. As we have seen, unrestricted (and sometimes very negative) opinions by the plebs were heard in the city. The spiral of silence could work in some cases, but not in every case. In the absence of a dictatorial system of control that monitored every conversation in the city, something that was impossible in Roman times, public expression of opinions could not be controlled.

<sup>253</sup> See Lobur 2008: 170–207.

<sup>254</sup> Val.Max. 6.2.4. See the chapters on rumours and political literature.



*Sociability and Politics*

Public opinion is an immaterial element, composed of information that circulates, grows and disappears. Access to information means access to the people who received it and access to other people, so that information could be (re)distributed. People's interactions were based on sociability, which, in turn, took place in the spatial setting of the city of Rome. To understand how the system worked, we must therefore analyse the topography of the city. The application of the 'spatial turn' to politics will allow us to understand not only how people moved within the city of Rome but also how information and opinions circulated within a real and tangible setting. It implies a shift from the study of space to the study of movement.<sup>1</sup> This chapter argues that the architecture of a city and the layout of its streets and buildings influence now, as they did then, how people met each other, and the characteristics of those meetings. Strong relationships between people are cemented by casual and frequent meetings and small talk, until the network is built and information and opinions can be distributed. To understand this process, locations and occasions of sociability should be studied.

This analysis should begin with a *caveat*, which is recurrent when studying public opinion: sources flagrantly ignore the places of sociability and conversations of the working and lower classes. Cicero did not register the comments of Roman citizens in the market, in the most humble baths, or in the taverns. This could be explained in various ways: first of all, Cicero did not usually frequent those places. Secondly, Cicero did not seem interested in public opinion at those levels, although not all politicians shared his indifference, as the case of Caelius had shown (cf. *supra*). Nevertheless, the study of popular public opinion can help to shed light on these matters. As we shall see, elite and popular classes mixed up in many events, such as games, the theatre or sometimes even in taverns; in

<sup>1</sup> Laurence 2011: 386.

the neighbourhoods, since not all senators lived in the most exclusive areas; in the streets and, especially, in the Forum, which was not only a political centre but also an important economic and financial hub.

This chapter relies upon the concept of sociability, which could be described broadly as the ability of human beings to live in society and, more specifically, the ability of the individual to frequent with pleasure the company of his or her fellows.<sup>2</sup> Sociologist Georg Simmel, who coined the term, stressed that sociability resolved the problem of solitude in the individual through association, creating a ‘democracy of equals’ in which interaction with other people becomes a joyful event.<sup>3</sup> The positive aspects of sociability are covered by the term ‘social capital’, coined by French sociologist Pierre Bourdieu.<sup>4</sup> However, sociability does cover both positive and negative aspects of trying to maintain a network of relationships: if social capital is the positive outcome, the negative side covers exclusion of outsiders, less diligent members making excessive claims backed by a normative structure, constraints on individual freedoms through conformity, and downward levelling norms.<sup>5</sup>

## 2.1 The Physical Background of Public Opinion: Walking and Promenading as a Political Tool

In the city of Rome, information circulated when people moved throughout the city. Before attending to the disseminators of information in later chapters, this section will turn to the physical background of the movement of information and, thus, of public opinion.

Walking around the city was the most effective way of moving information. Walking has been the subject of several studies in recent years, both as an effective means of distributing information and as a social phenomenon. There were different types of walking, as O’Sullivan has pointed out, all of them connected with social status and gender.<sup>6</sup> The leisurely stroll of a senator, followed around by slaves, friends, and clients, must be differentiated from the walk of artisans on their way to their shops or that of slaves running errands. The processions that followed candidates or senators to the Forum gathered spectators together; thus a simple stroll, travelling from the senator’s house to the Senate, for instance, turned into a ‘drama of subordination’, which, according to Scobey, happens

<sup>2</sup> Definitions from Agulhon 1977: 7–14.    <sup>3</sup> See the classic study by Simmel 1917.

<sup>4</sup> See Portes 1998 for a review of the literature of ‘social capital’.

<sup>5</sup> Portes 1998: 15–18. Historiography on popular culture and sociability in Kümin 2008: 193–194.

<sup>6</sup> O’Sullivan 2011.

when multitudes, especially those comprised of social inferiors, observed promenaders.<sup>7</sup> However, all of them were participants in the act of circulating information and forming public opinion.

Both busy streets and pedestrian spaces had advantages and disadvantages for the circulation of information. Bumping into an acquaintance was more likely to happen in busy streets, and was thus conducive to small talk and therefore to cementing networks.<sup>8</sup> Nevertheless, in the case of very busy streets, noises, cries, shops which covered the whole pavement, and carts travelling around the city could have made the possibility of conducting a calm conversation arduous, burdensome, and irritating.<sup>9</sup> On the other hand, pedestrian spaces (or even promenading spaces, such as porticos) offered calmer surroundings, where conversations could be conducted without raising one's voice too much. However, in those places, the number of people crossing each other's paths would be lower. Promenading around a highly frequented place has been identified as a 'core rite of sociability'.<sup>10</sup> Promenades, strolls, or just moving from one place to another took place in a physical space, the Roman city, and these actions were affected by their surroundings. In fact, this physical space could either hinder or induce conversation and, thus, could affect the circulation of information.

Nuisance to pedestrians could be auditory, such as noises, or physical, such as barriers. Urban designer Jan Gehl has pointed out that the amount of noise in the streets can hinder the possibility of hearing conversations, and of carrying on a normal conversation without having to raise one's voice, or even of listening to what someone at a distance is saying.<sup>11</sup> This point is clear in today's car-filled streets, where the noise of the traffic gets in the way of the human voice, making it impossible to have a conversation at a normal volume.

Measuring noise in the ancient world is a difficult task. Betts has estimated soundscapes in the Forum, noting that the open space carried conversations across it, but noise resounded on the facades of the nearest *basilicae*.<sup>12</sup> Studies of acoustics have stated that in dry conditions in an open space, the raised voice of a man reaches 50–70 m; groups were audible at 25 m. Calculations for Imperial times have estimated that the voice of an

<sup>7</sup> Scobey 1992: 222–225. <sup>8</sup> Gehl 1987.

<sup>9</sup> Pavements in Rome were not as developed as those of Pompeii: most were narrow, or non-existent. Only four appear in the *Forma Urbis Romae*, although arcades and colonnades also functioned as such (see Holleran 2011: 248–249).

<sup>10</sup> Scobey 1992: 203. On porticos and urbanity in Rome, see Nünnerich-Asmus 1994: 25–54.

<sup>11</sup> Gehl 1987. <sup>12</sup> Betts 2011: 126–129.

orator talking at the Rostra would have reached halfway across the Forum, without shouting; on a cool day, it would have reached as far as the temple of the Divus Julius.<sup>13</sup> Nevertheless, acoustic hindrances to conducting a normal conversation would be more likely to include the sounds of other human voices, which, although not as annoying as road traffic, could still be irritating. Human shouts reach 75 decibels at a distance of 1 m.<sup>14</sup> People's sociability was not, of course, restricted to the Forum. Roman streets were strident and crowded.<sup>15</sup> The noises forced citizens who wanted to conduct a conversation either to stand closer together or to raise their voices. Seneca's well-known complaints about living near a bathhouse exemplify this issue: he moaned about the shouts, complained about those who had loud voices, and nagged at the cries of the peddlers.<sup>16</sup> Taking into account that Rome was not a zoned city and that shops and bathing facilities were located alongside houses, human noise pollution was probably experienced by most citizens of Rome.

Promenading could be hindered by physical architectural obstacles that were common to all pedestrians, regardless of status or neighbourhood. Some of them were designed specifically to discourage walking in certain parts of the city. This tendency was carried to extremes during the Principate, when the new Flavian *fora* obstructed the crossing of the Forum and prevented people from wandering around.<sup>17</sup> In other cases, architecture was not purposefully intended to hinder walking, but it did so through careless planning and common practices. Archaeological studies in Pompeii have traced out benches in the street, at the forefront of shops.<sup>18</sup> It was clearly the seller's intention to tempt the passer-by with his goods, inviting him to pause and relax. In reality, many of these benches actually interrupted the pavement, so the pedestrian would have to circumvent it or actually take a seat. The benches became obstacles for those who did not want to sit upon them.

Some streets had busy traffic, with loaded carts and private vehicles. In fact, vehicles entered the Forum until the first century AD; nevertheless, the mentions of pedestrians outnumber references to vehicles.<sup>19</sup> Roman streets were busy roads, filled with carriages and horses. However, archaeological evidence and spatial studies point to official regulations. Cart

<sup>13</sup> Betts 2011: 128, and n. 47, since sounds travel better in cool and damp conditions.

<sup>14</sup> Betts 2011: 125. <sup>15</sup> E.g. Hor. Sat. 2.6.27–31; Sen. Clem. 1.6; Mart. 1.41. <sup>16</sup> Sen. Ep. 56.1–2.

<sup>17</sup> Newsome 2010: 174–249, esp. 205–247, describing the Imperial *fora* as 'architectures of inaccessibility' (p. 247).

<sup>18</sup> Kaiser 2011: 72; analysis of archaeological remains in Hartnett 2008.

<sup>19</sup> Newsome 2010: 148; Kaiser 2011: 174–193.

traffic was not banned in Rome during daylight. The *Tabula Heracleensis*, as Kaiser has pointed out, referred to *plostra*, a variant of *plaustrum*, which were slow-travelling oxcarts used for transporting heavy loads.<sup>20</sup> Passenger traffic could circulate freely. Tsujimura's study of the depth of ruts in Pompeii has called attention to one-way streets and fixed traffic circulation, which regulated the flow of vehicles.<sup>21</sup> Physical impediments, such as blocking stones, kerbs, and sidewalks, should also be taken into account, since they eased the traffic, or even blocked it altogether from certain streets.<sup>22</sup> Laws in Rome also generally seemed to be directed at hindering cart traffic, although, with the exception of Caesar's measure, such regulations date from Imperial times.<sup>23</sup> Hadrian's edict probably renewed Caesar's prohibition, extending it to the whole day.<sup>24</sup>

Some parts of the city could be particularly crowded. Promenading across them, as a social activity, would thus have been less enjoyable.<sup>25</sup> Nevertheless, a greater number of people also meant a greater number of possible encounters, which could turn into more contacts, and therefore result in a much wider circulation of information. Urry has pointed out the need to cement social ties regularly through recurrent meetings.<sup>26</sup> Some of these could be deliberate, but the possibility of bumping into someone without having to schedule a proper meeting could be an incentive to make one's way through a busy street. Cicero went down to the Forum with friends, but complained to Atticus that, in his absence, he had no one with whom to jest freely or whisper familiarly.<sup>27</sup> Horace was delighted to meet a friend in the street, so that he could be accompanied in his errand to the Forum.<sup>28</sup> Public opinion is composed of two levels of face-to-face meetings: encounters (the micro level of the public sphere) and organised gatherings.<sup>29</sup> Those fleeting encounters generated an ephemeral micropublic.<sup>30</sup> 'Eye meetings' established reciprocity from

<sup>20</sup> Tab. Hera. 56–61; Kaiser 2011: 174–175; on problems and suspicions about heavy wagons, see Kaiser 2011: 188–190.

<sup>21</sup> Tsujimura 1991. <sup>22</sup> Poehler 2006.

<sup>23</sup> E.g. Claudius compelled riders to dismount and walk in all cities across the empire (D.C. 61.7b; Suet. Claud. 25.2).

<sup>24</sup> SHA Alex. Sev. 42.1; Kaiser 2011: 184–188.

<sup>25</sup> Nuisances to pedestrians in Hartnett 2011: 135–143, 147–153; on rules trying to make the streets accessible, see *ibid.*, 143–147. Hartnett defines nuisances as 'urban phenomena . . . that slowed or interfered with smooth, uninterrupted passage along its streets . . . by implying both a person whose passage is hampered and an agent who creates the encumbrance' (Hartnett 2011: 136).

<sup>26</sup> Urry 2007: 230–231. 'A network only functions if it is intermittently "activated" through occasioned co-presence from time to time' (Urry 2007: 231).

<sup>27</sup> Cic. Att. 1.18.1. <sup>28</sup> On Horace's routes in the *Saturae*, see Newsome 2010: 97–99.

<sup>29</sup> Koller 2010: 275–276. <sup>30</sup> Also called 'Goffman public'. See Koller 2010: 276.

person to person, and were the prelude to engaging in conversation, which usually began with small talk.<sup>31</sup>

## 2.2 Locations and Occasions of Sociability and Public Opinion in Rome

This section will address the places and occasions at which Romans socialised with each other, cemented personal ties, and exchanged information. Sociability can be defined as the general skill of having full relationships with others, and to meet frequently with one's peers.<sup>32</sup> This process built and spread public opinion, thus feeding and fostering political socialisation, understood as the process through which political attitudes and behaviours are consolidated amongst the citizens. Political socialisation, as a concept, grew into favour during the 1960s, though it had been practically unknown until that time.<sup>33</sup> According to Greenstein, there are four main definitions: (1) study of children's political orientations; (2) study of the acquisition of prevailing norms (norm-consistent behaviour); (3) study of any political learning (confirmatory or deviant) at any age; and (4) observation of socialisation processes in any of the above senses.<sup>34</sup> Thus, public opinion bridged a gap between sociability and socialisation. Sociability was a key element in Roman politics, since it created the basis for the exchange of information and, hence, for the smooth practice of informal politics.

The 'spatial turn' in the study of Roman history represents one of the most recent and fruitful trends. It is concerned with studying the activities within the city, with a special emphasis on movement to, and through, urban spaces.<sup>35</sup> Architecture is no longer a stationary element, but served a purpose, whether to hinder or to facilitate movement around the city.<sup>36</sup> This section aims to extend these premises to politics and sociability, analysing information and public opinion in motion and studying the movement of information through the lens of the spatial turn. How did information move in Rome? And how did people who carried that information move and share it through the networks of the city?

The city of Rome was the prime location for public opinion. 'Are your ears travelling abroad?', asked Cicero of people who seemed to know

<sup>31</sup> Urry 2007: 235–236. <sup>32</sup> Agulhon 1977: 7–14. <sup>33</sup> Greenstein 1970: 969–970.

<sup>34</sup> Greenstein 1970: 971–972. For the political socialisation of the elite through education and *imitatio patris*, see Scholz 2011.

<sup>35</sup> Laurence, Newsome 2011: vii. <sup>36</sup> Laurence, Newsome 2011.

nothing about the ongoing Roman political situation.<sup>37</sup> Public opinion resided in Rome. But it was not exclusively concentrated in the Forum, or in a specific part of it. The whole city of Rome was the locus of public opinion. The architecture of Rome and its places of sociability allowed and encouraged the diffusion of public opinion.

Sociability was an important element of Republican Rome. Most of the political and social life of a Roman citizen took place in the open air. The Forum and the markets were the meeting-place of many social categories: the slave who accompanied his master to the *basilica* or to the Senate; the peasants from towns near Rome who offered the products from their lands to market-goers; or the shrewd financiers who sat near the *porticus* of Janus to discuss interest rates, business, or the latest news from Asia. When tourists nowadays visit the Roman Forum, it is not the size of the place that impresses them. It is a place of relatively small dimensions: it is formed of many elements, but these are placed very close to one another. The tribunals, for instance, were so close that the words from one speech could be heard from another trial.<sup>38</sup> The laws passed in an assembly were compulsorily and routinely displayed in public. The jurist Ulpian pointed out that texts should be displayed in a visible place and written with clear letters.<sup>39</sup> A common epigraphic abbreviation is U. D. P. R. L. P., expanded as ‘(u)(t) d(e) p(lano) r(ecte) l(egi) p(ossint)’. Deliberations of the Senate were usually carried out with the doors open; in fact, the sources mention the infrequent instances when the senators decided to close them, such as during the address of King Eumenes and the discussion on the war against Perseus.<sup>40</sup>

Was political sociability between elite and plebs as compartmentalised as the sources seem to suggest? A superficial glance could lead us to surmise that neither group seems to have mixed much outside the Forum. Once again, it should be noted that these terms are misleading and reductive, since they were not homogeneous entities without interaction. The diversity of economic, social, and cultural distinctions between them implied that variations could be infinite, and also that some groups interacted with each other. Furthermore, as in most cases, sources only provide the viewpoint of the elite, whose idea of separation from the plebs was also tainted with morality and preoccupation with status. For instance, Piso and Mark Antony were morally criticised by Cicero for leaving a tavern full

<sup>37</sup> Cic. Mil. 33: ‘aures peregrinantur?’ <sup>38</sup> David 1992: 39–41.

<sup>39</sup> Ulpian. (28 *ad ed.*) Dig. 14.3.11.3–4.

<sup>40</sup> Liv. 42.14.1. Gruen 1984: 409–410 rejects the idea that the prospect of war was discussed in that session.

of lower-class people in the middle of the night.<sup>41</sup> Juvenal launched a heavy attack against a general and a consul who lived in a *caupona* and a *popina*.<sup>42</sup> This criticism by moralists implied that undue contact happened in such rowdy places as taverns. It does not seem to have been a common qualm among the elite: Cicero's opinion, for instance, was delivered before the Senate, and thus before his peers, and it was a solitary mention in a lengthy tirade against his enemy, Piso. Had it been a more serious accusation, it would surely have been repeated and developed further.

In his analysis of street networks, Kaiser has applied modern geographical approaches, especially those of K. Lynch, mixed with a quantitative insight, in order to comprehend the reality and the use of Roman urban streets. He has pointed to their use by both elite and the people, particularly to assert one group's experience of the city as opposed to that of another. Thus, Augustus found himself in a struggle with shopkeepers; while the former wanted to have the streets free for the passage of magistrates, the latter wanted to display their goods, as they did regularly.<sup>43</sup> In AD 92 Domitian passed a law forbidding the display of goods from the *tabernae* in the streets, since they occupied and blocked the sidewalks.<sup>44</sup> Contact, even if unwilling, in the streets was unavoidable. Of the streets identified in the *Forma Urbis Romae*, 39.9 per cent measured less than 5.5 metres in width; 87 per cent of the sample measured less than 10 m.<sup>45</sup> Nevertheless, it was not the architectural configuration of the streets, but their use, which could result in congested roads. In Rome, the masses of people could be overwhelming.<sup>46</sup> Claudia, daughter of Appius Claudius Caecus, complained forcefully about it when her carriage was stopped by a crowd, wishing loudly that her brother, who had lost a fleet to the Carthaginians, would come back and lose more people to ease the traffic.<sup>47</sup> Cicero bemoaned being crushed in the streets.<sup>48</sup>

Strict zoning rules did not exist in the Roman world.<sup>49</sup> Some districts were more exclusive than others, with the Palatine favoured by Roman

<sup>41</sup> Mark Antony: Gell. 6.4; Phil. 13.24; Piso: Cic. Pis. 13; Suet. Gramm.15. See Kleberg 1957: 91–94 (which he termed 'cabarets'); Laurence 1994: 78–87 on the association of *popinae* and *cauponae* with prostitution, as places for sex, drinking, and gambling. On *tabernae*, see Yavetz 1970.

<sup>42</sup> Juv. 8.146–63, 171. See Laurence 1994: 80. <sup>43</sup> See Mart. 7.61; Kaiser 2011: 20.

<sup>44</sup> Mart. 7.61. The poet described Rome as a *magna taberna*.

<sup>45</sup> See Macaulay-Lewis 2011: 268, table 11.1, for the widths of the streets; see *ibid.*, 269–272, for congestion of the streets.

<sup>46</sup> Kaiser 2011: 37–38. <sup>47</sup> Suet. Tib. 2.3 (the event happened in 246 BC).

<sup>48</sup> Suet. Tib. 2.3. Cic. Planc. 17. On more instances of heavy traffic, see Kaiser 2011: 37–38. On walking and talking, see O'Sullivan 2011: 83–89; Östenberg 2015 on aristocratic walks.

<sup>49</sup> Carandini 2010: 675.



senators because of its proximity to the Forum and, thus, the possibilities of personal connections and prestige that would ensue. Cicero's comments when buying his house on the Palatine surely reflect that presumption (see *infra*). However, not all senators chose to dwell in that part of the city. Caesar, before he was elected *pontifex maximus*, lived in the Suburra, an infamous neighbourhood. His family seems to have lived there beforehand.<sup>50</sup> It was a district well known for its prostitutes, gladiators, crowded *insulae*, and rowdy taverns.<sup>51</sup> Another consul, L. Arruntius Stella (cos. in AD 101) also lived in that part of the city.<sup>52</sup>

Sociability was not limited to sharing a neighbourhood. Cicero's aforementioned criticisms of Piso and Mark Antony for frequenting taverns must be put into context: taverns were common spaces of sociability for the lower classes, which Juvenal associated with gossip.<sup>53</sup> Hermansen has noted that 20 per cent of identified taverns in Ostia were located on street corners.<sup>54</sup> In Pompeii, Laurence has located the *caupona*e or inns just by the gates of the city, whereas *popina*e or taverns spread all around the city, but away from the houses of the elite. He attributes this to the desire to shelter elite wives and children from 'deviants'.<sup>55</sup> This latter separation does not preclude the fact that, as Cicero remarks of his two enemies, elite members could pop over for a night of fun, or even to catch popular opinion and gossip. In fact, his tirades against both Piso and Mark Antony seem to be grounded more on moral issues than on reality. Their visits to taverns seem to be something of which a traditional senator would not approve, but nothing that was actually universally censored.

Elite and popular sociability was therefore not as separated as it might appear at first glance. Shops and markets, of course, catered to different tastes. A jeweller and a fishmonger did not sell to the same clientele, even though both could be found within a few miles of the Forum. Other places of sociability reinforce that idea of mixing. Since 194 BC, the senators had been seated separately at the theatre, followed by the *equites* since the *lex Roscia* of 67 BC.<sup>56</sup> Those moments became occasions for sociability within the elite, since seats do not seem to have been attributed permanently to

<sup>50</sup> Suet. DI. 46.

<sup>51</sup> Pers. 5.32; Mart. 2.17; 6.66.1–2; 11.61.3; 78.11; Priap. 40.1; Mart. 12.18.2; 5.22.5–9.

<sup>52</sup> Mart. 12.3.9; see 12.21.5.

<sup>53</sup> Juv. 9.102; on sociability in taverns: Laurence 1994: 86; Purcell 1992: 659–673 (on the world of the tavern of the Roman plebs).

<sup>54</sup> Hermansen 1982: 185–203. <sup>55</sup> Laurence 1994: 81–87 with maps of their location.

<sup>56</sup> Liv. 33.44 (senators); *lex Roscia* (Cic. Mur. 40; Plut Cic. 13.3, the law was not enforced until 63 BC); however, Hopkins 1983: 17, n. 25, warned that these seating arrangements were not always respected or enforced.

each person. Nevertheless, despite that restriction, they were surrounded by their fellow citizens, thus ensuring that, in fact, they were socialising in the same place, sharing the same experience, and listening to the same comments shouted out loud.

The Forum, whose access was not restricted during the Roman Republic, was evidently one of the main places of sociability. The Forum was not only a place of exclusively political character, but was also one of the main economic and financial centres of the city. Different people with different goals gathered around a spot, which, in fact, was not that vast, assuring that many of them came into contact with each other. As we have seen, anecdotes about the frankness, freedom of speech, or *libertas* of the Romans state that citizens addressing senators or even magistrates was nothing special. An auctioneer mocked a consul about his taking of bribes from foreign envoys in the middle of the Forum.<sup>57</sup> Similar anecdotes feature at election times, when members of the elite had to behave more considerably towards their fellow citizens in order to gain their votes.<sup>58</sup>

Even though authors like Cicero wanted to paint a picture of an aloof political elite who did not share sociability with the common people, the reality looks different. However, 'common people' covers a whole spectrum, in both ancient sources and modern historiography.<sup>59</sup> For instance, cries in the theatre were heard regardless of the socioeconomic status of the shouter. This fact allowed public opinion, information, and gossip of any kind to flow freely and to move easily from one level or group of public opinion to another. There was no question of a closely guarded elite, detached and uninterested in what people were saying.

In July 54 BC, Cicero expressed his prospects for the new political year: 'Either quite undisturbed as far as we are concerned, or at any rate it will find us in the highest state of preparation for defence. This is shown by the daily throng at my house, my reception in the Forum, the cheers that greet me in the theatre.'<sup>60</sup> Regardless of whether his feeling was right or whether he was rehearsing stoically the worst case scenario, the important fact is that Cicero was sounding out *significationes*, expressions, in three places: his house, the Forum, and the theatre.<sup>61</sup>

<sup>57</sup> Cic. Planc. 33. <sup>58</sup> See Yakobson 1999.

<sup>59</sup> E.g. Horsfall 1996: 103 defines plebs as those below equestrian rank. See p. 155 for more definitions.

<sup>60</sup> Cic. QF. 2.14.2: 'Aut plane tranquillum nobis aut certe munitissimum, quod quotidie domus, quod forum, quod theatri significationes declarant'.

<sup>61</sup> Bell 2004: 178 presents another reading of this paragraph in which, according to him, Cicero is strengthening his position. See Morstein-Marx 2004: 147–148, on *significationes*.

These three places summarise sociability in the late Roman Republic, with some additions. The house was not only the centre of private life, but was also a place where a senator received on a daily basis people who fed information to him. The morning *salutatio* should be understood as an important place in which political information, rumours, and gossip were exchanged, not only with Cicero but also amongst those who waited to be received. As we shall see, this information would be supplemented with that which was gathered by his own household, especially his slaves. The second place, the Forum, should not only be regarded as a space where politics were negotiated and decisions were discussed and agreed or disagreed upon. It was a place in which business was conducted, and goods bought and sold: a centre of economic life. The third place, the theatre, was not only a place of leisure, where plays or games could be enjoyed, but also where reputations were lost or sustained through applause, cheers, or boos. This section argues that these three places represent Cicero's main sources of information, gossip, and public opinion, upon which he informed other people (such as his brother Quintus, away in Gaul, in this case), or based his own actions and decisions. However, these were not the only places: information also circulated in the streets outside the Forum.

### 2.2.1 *The Forum and Its Surroundings*

The Forum was, of course, the most important place of political sociability. Built to accommodate public buildings, it was the heart of political life. The Forum was less crowded in Cicero's time, with fewer buildings in the middle, since space was needed for the meetings of the citizens.<sup>62</sup>

It was not the only place where political information moved and circulated. Nevertheless, access to this location was important, since it meant physical accessibility to the core of politics, taking into account that most of it was conducted in public. Most inhabitants of Rome lived within a two-mile radius of the monumental centre, in multi-storey buildings, due to population pressure. This is important for public opinion, because a relatively short walk would place any citizen in the heart of Roman politics.<sup>63</sup> An architectural survey of the Forum and surrounding areas is relevant to our understanding of its use, since architecture shapes behaviour and everyday life. For instance, Plautus pointed out that the smell of fish, stemming from the fish market behind

<sup>62</sup> Dennison 1908: 320–321.

<sup>63</sup> Laurence and Newsome 2011: 251–252.

the *basilica* Aemilia, bothered the *subbasilicani* and encouraged them to move towards the centre of the Forum.<sup>64</sup>

The Romans considered the Forum as the place where rumours grew and where public opinion showed most clearly. In a letter to Cicero, Caelius Rufus reported the false news that had appeared in Rome about the former's death in 51 BC: 'on the 24th of May the loafers about the Rostra (*subrostrani*) had spread the report (so be it unto them!) that you had been done away with, so that the city and Forum rang with the persistent rumour that you had been murdered on your journey by Q. Pompeius'.<sup>65</sup> The expression *urbs ac forum* underlines Caelius' desire to stress that dichotomy, showing how exceptional it was that a rumour would spread in both places so quickly. In fact, due to its relatively small size, the whole Forum was a place for exchanging and commenting on public opinion. Socialising in the Forum was crucial for politicians, since it was a way of parading their own political status and support. In 59 BC, the young Curio became one of the rising stars of the *boni* by speaking publicly against Caesar. In a letter, Cicero proudly mentions how the young man received a *consalutatio forensis perhonorifica*, while the praetor Fufius was pursued by shouts and cries.<sup>66</sup>

Clearly, the Forum was not restricted to politicians, since the sources are conveniently communicative about all kinds of people wandering around, a fact that would become problematic by the beginning of the Principate (cf. *infra*). The turbulent 60s and 50s featured the Forum as an important location for popular politics and, thus, for throngs of people making their way around it.<sup>67</sup> As early as 142 BC, Appius Claudius Pulcher confronted Scipio Aemilianus over the election of the censorship, surrounded by 'men of low birth and former slaves, familiar with the Forum, and quite capable of getting together a mob'.<sup>68</sup>

Restrictions on circulation in the Forum appeared by the end of the Late Republic, and increased during the Principate, especially after the construction of the Flavian *fora*.<sup>69</sup> Loitering around the Forum was not an idle task; in the minds of some, it could have been related to delving too far into politics or participating excessively in political matters. Cato the Elder

<sup>64</sup> Plaut. Capt. 813–815. The *basilica* in Plautus' time was in the spot of the future *basilica* Aemilia, built in 179 BC by the censors M. Fulvius Nobilior and M. Aemilius Lepidus, who also allocated the reconstruction of the Piscarium behind and the shops, Liv. 40.51.4–6. On this *basilica*, see Carandini 2010: 42–49. On censors, public buildings, and economic life in Rome, see Astin 1990.

<sup>65</sup> Cic. Fam. 8.1.4: 'Te a. d. VIII. Kal. Iunias subrostrani (. . .) dissipant perisse: urbe ac foro toto maximus rumor fuit te a Q. Pompeio in itinere occisum'. On *subrostrani*, see pp. 182–184.

<sup>66</sup> Cic. Att. 2.18.1. <sup>67</sup> Dennison 1908: 321–326 described the Forum in 63 BC.

<sup>68</sup> Plut. Paull. 38.4; see Plut. Praec. reip. Ger. 14. <sup>69</sup> Newsome 2010: 193–243.

expressed the wish to pave the Forum with sharp stones to prevent people from wandering around.<sup>70</sup> Trying to turn the Forum into an uncomfortable place would have been Cato's method for deterring sociability in the Forum and discouraging too many bystanders. On some occasions during the Late Republic, access to the Forum was restricted through guards, barriers, or ropes in an attempt to control movement around it, demarcating an area without the intention of enclosing it.<sup>71</sup> It was turning the Forum from a convenient shortcut into an uncomfortable one.<sup>72</sup>

Taking into account later events, Cato's vision was a subtle, indirect way of deterring people. Augustus, invested with more power, took a more direct approach to a similar concern: he forbade the presence of people without togas in the Forum, a measure that would be enforced by the aediles.<sup>73</sup> In fact, this measure was not an isolated whim from the *princeps*; he also encouraged people to dress formally in the theatre and religious festivals. Thus, according to the *lex Iulia theatralis*, those wearing dark-coloured everyday clothes would be relegated to the rows at the back, together with non-citizens and slaves.<sup>74</sup> Edmondson has suggested that, according to the context of Suetonius' remark, Augustus probably enacted these measures to deal with the problem of *peregrini* and slaves impersonating Roman citizens.<sup>75</sup> It takes into account the identification between Roman civic status and the toga, explicitly stated in the *Aeneid*, where Virgil defines the Romans as *gens togata*.<sup>76</sup>

Nevertheless, looking at this measure from the perspective of politics and the spatial turn, Augustus would have restricted sociability and casual exchanges of information, circulation of public opinion, and the cementing of networks. Casual meetings were necessary for all these purposes. Thus he wanted to transform a political centre, but also an active and thriving part of the city, into a location for political and judicial events. Sources do not provide further information about this problem, and we are not even aware of the extent to which it was actually respected or enforced. If it really was enforced, all non-Roman citizens were actually banned from

<sup>70</sup> Plin. NH. 19.24: 'quantum mutati a moribus Catonis censorii qui sternendum quoque forum muricibus censuerat'.

<sup>71</sup> Newsome 2010: 152–162; 2011: 301–305. However, physical barriers were established during Milo's trial.

<sup>72</sup> Newsome 2011: 290 on the Forum as a shortcut.

<sup>73</sup> Newsome 2010: 150–152; 2011: 293; Suet. Aug. 40.5; D.C. 49.16.1; Edmondson 2008; Rothfus 2010: 447 questions the practicality of this measure.

<sup>74</sup> Suet. Aug. 44.2; see Rawson 1987. <sup>75</sup> Edmondson 2008: 32.

<sup>76</sup> See Verg. Aen. 1.282–286. See Rothfus 2010 on the changes of the toga between the Late Republic and the Early Augustan period, and its appropriation by the elite as a mark of status and rank.

the Forum, and were thus shut out from the centre of Roman politics and decision-making, as though their importance had waned since Octavian became *princeps*.

Interestingly, other politicians actually tried to facilitate and increase the circulation of people within the Forum. Caesar covered the main roads of the Forum with linen awnings during the games he celebrated.<sup>77</sup> Even though the objective was to display his wealth and euergetism, the awnings provided comfortable shade that would have been well received by all passers-by. Pliny was probably referring to the games that Caesar celebrated on the occasions of his four triumphs in 46 BC. Temperatures in Rome could be high, so shade would be a welcome addition for those loitering or passing through the Forum and the Sacra Via. The need for such sheltering devices was manifest: a giant grapevine in the portico of Livia was sought by the crowds to protect them from the heat.<sup>78</sup>

We should compare Caesar's measure, in a central place of politics such as the Forum, with the complaints of Roman citizens after the great fire of Rome under Nero. After reconstruction, some zones became more monumental and ornamental than they had been before. Nevertheless, many citizens complained, clearly missing the old narrow streets; the new ones had been built so wide that there was hardly any shade, and the heat had become unbearable.<sup>79</sup> Having the choice between two streets, one shady and the other in full sun, and taking into account how hot Rome could be during a good part of the year, it is hardly surprising that many people would have changed their habitual paths and chosen a new street that would cause them less discomfort. On the contrary, Caesar's measure did encourage people to use the Forum and the Sacra Via in preference to other streets and paths. Shop owners in that area probably welcomed the measure, since it would multiply the number of people passing their businesses and therefore increase the number of potential customers. The architecture of the city was, and is, instrumental in how citizens behave.

Before crossing the streets near or leading to the Forum, two other important physical places for spreading public opinion should be reviewed: the Senate and the non-built-upon space in the heart of the Forum. The Senate did not always meet in the same building. In fact, other locations outside the Curia are attested during the Late Roman Republic; most of the meetings took place within temples, especially the temple of Castor, due to its central position in the Forum, and the temple

<sup>77</sup> Plin. NH. 19.23.    <sup>78</sup> Plin. NH. 14.11.    <sup>79</sup> Tac. Ann. 15.43.

of Concordia.<sup>80</sup> Political conversation and elite public opinion were, obviously, part of the everyday meetings of the Senate. In a dialogue, Scribonius Curio senior featured himself, his son and Pansa leaving a session of the Senate discussing the business transacted, and launching into vicious criticism of Caesar.<sup>81</sup> In fact, the exchange of opinions was a necessity: the Late Roman Republican system, as Brunt has pointed out, was not organised around strict networks of families or stable and immutable alliances. Political alliances were frequently feeble, since Roman politicians could gather together to support an issue or a measure and then split apart once again.<sup>82</sup> In such a system and in such habitual situations, the exchange of opinions, gossip and any kind of political commentary was vital for forming and reforming alliances, even temporarily. The sessions of the Senate, moments in which all or the majority of political players were gathered in the same room, were precious moments for this type of interaction.

The Forum was comprised not only of buildings but also of non-built-upon space, necessary for events such as trials or *contiones*, which were important socialising events. In the turbulent years of the 50s, control of the empty space of the Forum was a significant issue, so that partisans could be better positioned when the assemblies took place.<sup>83</sup> However, as a multipurpose place, staying there could have different meanings: for instance, Clodius' supporters expressed their chagrin and astonishment at the news of his death by spending the whole night in the Forum.<sup>84</sup>

Trials were not only part of political life, but were also good opportunities for sociability, with the addition of drama. Temporal and permanent tribunals were also located in the Forum. The tribunal of the urban praetor was probably located north of the Forum, in one of the sides of the *comitium*. By the end of the Republic, probably by the second half of the second century BC, the sessions of the tribunals took place near the arch of Fabius, next to the creditors, while the *tribunal Aurelium* was where the temple of Caesar stands today, before the Regia.<sup>85</sup> Trials involved not only the actual participants in the case, plus the judges and president of the tribunal, but also friends, supporters, detractors and audience, which

<sup>80</sup> Bonnefond-Coudry 1989: 63–193. The choice of the meeting place could depend on the magistrate convoking the meeting. If promagistrates in campaign or awaiting triumph had to attend, for instance, the Senate met *extra pomerium*.

<sup>81</sup> Cic. Brut. 218. <sup>82</sup> Brunt 1988: 443–502. <sup>83</sup> See Lintott 1968. <sup>84</sup> App. BC. 2.21.

<sup>85</sup> David 1992: 14–15, 39–41; 1995: 377–378. On the late Republican location of the urban praetor: Schol. Ad Pers. Stat. 4.49; Pseudoacr. Ad Hor. Sat. 2.6.35. Cic. Cluent. 147 enumerates the closest permanent tribunals on sight. On their location, see David 1992: 39–41 (including map).

formed the *corona*. At important trials, the audience could be very large. On one occasion, the Senate could not reach a quorum because most of the senators were attending the trial of C. Marcellus, accused of electoral corruption.<sup>86</sup> These cases not only attracted the attention of those interested in the suit but also that of passers-by, who could probably stop to watch, if the orator speaking was particularly engaging, or just to observe from a distance.<sup>87</sup> Sometimes they would even complain that the orator was not speaking loudly enough to be heard.<sup>88</sup> The audience, swayed by news and rumours in trials, could also press other senators to act: in 51 BC, during a heated process against Servilius *quo ea pecunia pervenerit*, to recover stolen money, a third party accused the defendant of *repetundae*. Caelius reported the *magna fama* following this move, which almost instantly prompted another senator to denounce the accused for another sum of money that had disappeared.<sup>89</sup> Trials were described by the sources as places where rumours abounded, with juries gossiping in groups.<sup>90</sup>

The definition of the *homo urbanus* included engaging in conversation not only in non-official settings, such as *circuli* or banquets, but also in official ones, such as *contiones*, where rumours abounded.<sup>91</sup> Most *contiones* took place near the Curia, the political centre, so that information could be up to date. When Cicero complained that the juries and the audience were biased and prejudiced against Cluentius, he stated that their opinions had been formed in previous trials and in assemblies.<sup>92</sup> Even though he was wary of them at other moments, the orator mentioned *contiones*, along with the legislative assemblies and the games, as the places where Roman people's opinions were heard.<sup>93</sup> The number of people that gathered for important assemblies, the circulation of information on the spot, and its later redistribution to other parts of the city when participants went home, should all be taken into account.

Information and public opinion could potentially circulate in all the buildings of the Roman Forum and outside it, since there were no restrictions on the entrance or on the movement of people. Furthermore, not everybody went to the Forum for politics. Romans would approach the

<sup>86</sup> Cic. Fam. 8.9.2. On the different *quora* used in the Senate, see Bonnefond-Coudry 1989: 357ff.

<sup>87</sup> Cic. Brut. 289–290. See description of the ambiance of a trial in Plin. Ep. 2.19.2.

<sup>88</sup> Plut. Cic. 26.

<sup>89</sup> Cic. Fam. 8.8.2. On the formula *quo ea pecunia pervenerit*, see Rosillo-López 2010: 132–133.

<sup>90</sup> On rumours on trials, see e.g. Cic. Rab. Post. 18 (see chapter 7); jurors gossiping: Cic. Brut. 199–200.

<sup>91</sup> Quint. 6.3.105. For rumours as a main component of *contiones*, see Pina Polo 1996: 94–126.

<sup>92</sup> Cic. Cluent. 4.

<sup>93</sup> Cic. Sest. 106. Contrast it with Cicero's scornful description of *contiones* in e.g. Cluent. 77.



Forum not only for political reasons but also for business, not conducted only in the *basilicae* but also in the *tabernae* and shops adjacent or within the Forum itself.<sup>94</sup> In a play by Plautus, the *Epidicus*, the homonymous slave looked for the father of his master around the city of Rome:

I do wish I could meet with Periphanes at home, whom I'm tired with searching for all over the city, throughout the doctors' shops, throughout the barbers' shops, in the gymnasium, and in the Forum, at the perfumers' shops and the butchers' stalls, and round about the bankers' shops. I'm hoarse with enquiring; I've almost dropped down with running.<sup>95</sup>

When another of Plautus' characters looked around for somebody, he covered similar places.<sup>96</sup> Interestingly, many of the places mentioned in both texts were shops: doctors, perfumers, bankers, markets, butchers and barbers. Thus, sociability was not only restricted to the Forum but also included the adjacent streets, and even outside the centre of the city, where such businesses could be found.

Architecturally, the closeness of the *basilicae* and other financial and commercial centres to the Forum was deliberate: Vitruvius stated that any *basilica* should be sited at a warm spot next to the Forum, so that cold did not prevent the *negotiatores* from meeting.<sup>97</sup> By the first century BC, there were two markets for food in the Forum and its environs: one in the Velabrum, way behind the *basilica* Sempronia (later the *basilica* Iulia), the other one in the *Macellum* (north of the Forum, behind the *basilica* Aemilia, the *tabernae novae*, and the *atria auctionaria*). The *Macellum* from the third century BC was rebuilt after the fire of 210 BC, and was probably demolished so that the land could be used for the construction of the *basilica* Aemilia.<sup>98</sup> The third *macellum* was constructed in 179 BC, and was actually composed of several *fora*: luxury goods (*Cuppedinis*), fish (*Piscarium*), and prepared food (*Coquinum*), with a central building in the form of a *tholos* surrounded by shops.<sup>99</sup> It was

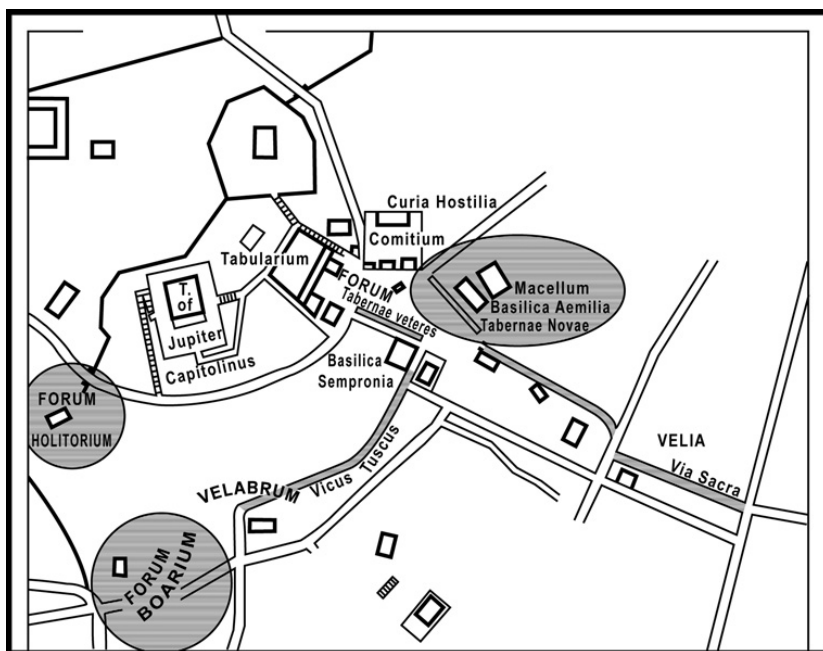
<sup>94</sup> Newsome 2010: 121–124 has highlighted how the Forum was surrounded by commercial areas, such as the Vicus Tuscus, the Velabrum and the Forum Boarium. See also Russell 2016: 77–96 on the Forum as both a political and a private space. On food markets, see De Ruyt 1983: 236–250; Papi 2002: 48–54; Carandini 2010: 49–51. Mansouri 2002 has studied the informal space of politics in the agora of Athens, especially in the marketplace, and how it formed public opinion.

<sup>95</sup> Plaut. *Epid.* 196–200: 'di immortales, utinam conveniam domi / Periphanem, per omnem urbem quem sum defessus quaerere: / per medicinas, per tonstrinas, in gymnasio atque in foro, / per myropolia et lanienas circumque argentarias. / rogitando sum raucus factus, paene in cursu concidi'.

<sup>96</sup> Plaut. *Amphitr.* 1011–1014. <sup>97</sup> Vitruv. 5.1.4. On the *basilicae*, see Nünnerich-Asmus 1994: 5–24.

<sup>98</sup> Holleran 2012: 162–164, in general on the *macellum*, *ibid.*, 160–181.

<sup>99</sup> Carandini 2010: 23; Holleran 2012: 160–162. Varr. *LL* 146–147; Fest. 238; Liv. 40.51. On the *macellum*, see De Ruyt 1983: 368–369; Andreau 2012.



Map 2.1 Shopping facilities in the Forum Romanum and nearby

not a cheap market, since it catered to wealthy gourmets and to the *collegia*, that bought the food there for their dinners.<sup>100</sup> It was thus a permanently high-status market.

Just in front of the *basilica* Aemilia, the *Janus Imus, Medius*, and *Summus* were located, small *sacelli* where financiers and exchange agents usually stood.<sup>101</sup> The *tabernae argentariae novae* were located at the entrance of the *basilica*.<sup>102</sup> The *Graecostadium* or Greek slave-market was also located behind the *basilica* Sempronia. Furthermore, in the road that entered the Forum, the *Sacra Via*, and in the *Vicus Tuscus* (between the temple of Castor and the *basilica* Iulia, until the *Circus Maximus*), there were more shops, especially jewellers, perfumers, and sellers of spices, expensive clothes, and linen.<sup>103</sup> This

<sup>100</sup> Expensive place: Plaut. *Aul.* 5.375, where food was sometimes sold in auction. Dinners of the *collegia*: Varr. *RR.* 3.2.16; Suet. *DI.* 26.2 (public banquets). See Holleran 2012: 171–172 for the kind of meat and fish sold there.

<sup>101</sup> Carandini 2010: 41 and n. 19. See Hor. *Sat.* 2.3.18; *Ep.* 1.1.52–56.

<sup>102</sup> Carandini 2010: 43, fig. 13.

<sup>103</sup> See Holleran 2012: 99–158; Carandini 2010: 74–78. Jewellers: Hor. *Sat.* 1.2.1ff; *CIL* IV. 575–576; *ILLRP* 110.

is supported by epigraphic evidence: for instance, the freedman of a probable consul in 106 BC was a pearl-dealer on the Sacra Via.<sup>104</sup> Shopping in the Vicus Tuscus would mean that the Comitium, Forum and Senate were just a five-minute walk away. Finally, right in the Forum itself, there were the *argentarii* and the *nummularii*, along with some other businesses: a barber-shop, a shoeshop, a slave-seller and a bookseller, amongst others. To add to this, prostitutes were wandering around the Forum, Vicus Tuscus and the Sacra Via.<sup>105</sup>

All these businesses of course attracted customers and wanderers. These shops and their distance from the core of Roman politics were also important in shaping and distributing public opinion and information. The open space of the Forum near the Curia, where the tribunals were probably located, was actually framed by three of them, the *basilica* Sempronia (after the monumental columns), the *basilica* Fulvia (on one side of the Curia), and the *basilica* Porcia (on the other side of the Curia). These were partly open and partly closed spaces, where people could walk around, attend their business, or even take shelter in case of bad weather; they also offered a colonnade and the steps of the entrance, from which people could see and hear the things that happened around them. No building blocked the view of the Curia from the *basilica* Sempronia. The rest of the buildings were of low height. The honorific columns blocked the view partially, but not from the interstices. The *basilica* Fulvia had a magnificent open view onto the Forum, and even onto the *basilica* Sempronia behind the columns. The gaze is a powerful tool to establish contact and control, and Romans insisted on the openness of all political proceedings (*conspectus populi Romani*).<sup>106</sup>

Taking into account the proximity of the *tabernae* to the heart of Roman politics, the circulation of gossip and public opinion in the *tabernae* of the Forum is very likely. The *tabernae*, whose construction was thought ordered by the Tarquins, were initially used for the sale of goods and as a market (*lanienae*).<sup>107</sup> Until the second century BC, the *tabernae* just behind these buildings were occupied by businesses that dealt with food and livestock. Nevertheless, by the middle of the second century BC, these *tabernae* were relegated and gave way to the *argentarii* and *nummularii* who monopolised the first line of shops, thus turning the centre of politics into

<sup>104</sup> ILLRP 797.

<sup>105</sup> See Papi 2002 and map in p. 46. On usurers and male prostitutes in the Vicus Tuscus: Plaut Curc 480–484. In the vicinity, Cat. 37. See Holleran 2012: 93–97 for a survey of commercial areas, and 53–60 for commercial clusters.

<sup>106</sup> Millar 1998: 9ff. <sup>107</sup> Coarelli 1992: 140–141.

the centre of finances as well. Bankers were seated in the *Janus medius*, as discussed.<sup>108</sup> Loans could be requested, the daily exchange rate of foreign currencies could be consulted, money could be exchanged and opinions could be asked. These economically powerful people therefore monopolised the first line in getting fresh information in the Forum, since they had a permanent position there. Their shops probably turned into an important place for exchanging information, opinions and gossip, both political and financial.<sup>109</sup> Most senators did not turn to professional moneylenders as a first option when they needed cash; they usually resorted to their peers, who would help them as a token of friendship and as a favour.<sup>110</sup> Nevertheless, in some cases, some politicians did need money and did have to ask for it from professional moneylenders. In this case, information was not only important for politicians; the *argentarii* had to be *au courant* for instance, of rumours about provinces where they hold investments, such as Asia Minor, or of the political and financial credit of a Roman politician, in case he requested a loan.

The market and the common goods were taken far from the political seat of the government, so as to increase forensic *dignitas*. After the fire of 210 BC, a new set of *tabernae* was constructed at the north-west of the square, the *tabernae novae*. The food stalls were concentrated in the back of the *basilica Aemilia*, which in Imperial times became the *forum Pacis*.<sup>111</sup> This concentration of political and financial affairs in a small space leads us to suppose that elite public opinion was formed there. Similarly, the thriving market in the back of the *basilica Aemilia*, close to the political centre, could have given rise to the same phenomenon. During the third century BC, the *macellum* became a substitute for the *forum Piscarium*. As we have seen, it was not a place for women or slaves, but another place of sociability of the Roman elite: the *macellum* was frequented by the master of the house, especially if he was a rich gourmet.<sup>112</sup> There were other shops to be found in the locality of the political centre, such as jewellers and

<sup>108</sup> See LTUR, s.v. *Ianus imus, medius, summus*; Coarelli 1992: 181–189; Cic. Off. 2.87.

<sup>109</sup> In classical Athens, for instance, the exchange of gossip is mentioned in the barber's, in the perfumer's shop, shoemaker's shop and wreath-market. Sociability took place also in the *palaistra*, the workshop, the agora and meals. See Hunter 1990: 302; Lewis 1996: 15–19.

<sup>110</sup> Cf Shatzman 1975: 403–425; Verboven 2002: 150–153; Rosillo-López 2010: 182–187; 2016 about the monetisation of Roman politics. Nevertheless, moneylending as an act of *amicitia* was not trivial, and payments could be enforced either directly (Crassus' attitude towards political loans is well known, demanding punctual repayment), or in terms of political support and favours (Caesar's policy in the late 50s, for instance).

<sup>111</sup> Liv. 27.11.16; De Ruyt 1983: 151.

<sup>112</sup> On the *macellum* see De Ruyt 1983; Carandini 2010: 23, 49–51.

possibly even slave-sellers, but the barbershop is the most interesting because of its relationship to the circulation of opinions and information. The role of barbers in distributing and relaying public opinion is attested from classical Greece to the present time, and Rome was no exception. Although many barbers had little shops and worked there, their itinerant role made them perfect for distributing public opinion and information throughout the city. Furthermore, people had to spend a certain amount of time there in order to get the service. Barbershops, due to their movable nature, should be considered more as people than as places (cf. pp. 177–179).

Political information circulated within commercial areas. During the tempestuous 40s BC, the *tabernarii* resorted to shutting their shops as a way of complaining about the lack of security in the city.<sup>113</sup> Just after the murder of Caesar, the owners of the shops (in this case, those near the theatre of Pompey) closed their businesses; first, full of curiosity, to rush and see what had happened, then to get away from there.<sup>114</sup> According to Cicero, Alba Aemilius, a long-time friend of Verres, while seated in the door of the *macellum* (*fauces macelli*), stated publicly that his friend would win the extortion trial because he would buy the judges, even pointing out the price of each one.<sup>115</sup> Of course, Cicero's comments on Alba Aemilius were not at all flattering: he identified him as a *scurra improbissimus*, in an attempt to discredit further the accused.<sup>116</sup> Moreover, the orator located him in the market, with the idea of condemning him as a gourmand.<sup>117</sup> Despite Cicero's hostility, this passage points to the fact that the man was seated in the door of the *macellum*, and was voicing information, thus making it circulate quickly, due to the high density of people entering the market and its proximity to the Forum.

Other businesses and places near the Forum allowed for moments of sociability, such as baths, theatres and games.

Personal cleanliness provided an important means of sociability and, thus, of the diffusion of public opinion. Nevertheless, the sources are fairly obscure on the use of public baths in relation to the circulation of information. Fagan has pondered whether business of any kind was transacted there.<sup>118</sup> Sadly, the evidence is inconsistent. For the Late Republic, there is just one reference: P. Plautius Hypsaesus begged Pompey to help his brother when the consul stepped out of the bath building. Pompey's cold reception when rejecting

<sup>113</sup> App. BC. 5.18. <sup>114</sup> Plut. Caes. 67.

<sup>115</sup> Cic. 2Verr. 3.145: 'Albam Aemilium sedentem in faucibus macelli loqui palam vicisse Verrem, emptos habere iudices, alium HS cccc, alium HS d, quem minimo, ccc!'. See Quint. 6.25; 18.59.

<sup>116</sup> Cic. 2Verr. 3.145, 146, 148. See pp. 179–180 on disseminators of news and *scurrae*.

<sup>117</sup> Holleran 2012: 180. <sup>118</sup> Fagan 2002: 218.

the petition was collected by Valerius Maximus.<sup>119</sup> Fagan takes into account that the Roman world conceived financial and political relationships at a personal level. He suggests that high-level business and political transactions are concluded at the baths in Japanese and Finnish societies, which maintain a culture of public bathing, as Romans did.<sup>120</sup> Nevertheless, baths were indeed the scenario of public readings, widely documented, and probably of readings of political works (cf. chapter 4).

Theatres and games were another prime location for sociability and, thus, for the circulation of public opinion and information.<sup>121</sup> When *boni* politicians were heartily received in the theatre and Caesar booed, Cicero was happy to point out that it was there that people's true opinions were expressed, in what he called the *theatri significationes*.<sup>122</sup> Applause in that context represented one of the highest signs of approval and status in Roman politics, as shown by Pompey's dream before the battle of Pharsalia, in which he was being applauded in the theatre.<sup>123</sup> Expressions of public opinion were not restricted merely to clapping or to the well-known repetition of verses that supported or denigrated certain politicians.<sup>124</sup> In fact, rumours and information circulated freely, as in 168 BC, when the news of the victory in Pydna in the Third Macedonian War arrived in the city before the messengers did, a fact which was interpreted as an omen, although the description shows perfectly the circulation of the rumour within the games:

Four days after the battle, while the Games were going on in the Campus Martius, a whispered rumour (*murmur*) suddenly spread amongst the whole concourse of spectators to the effect that a battle had taken place in Macedonia resulting in the utter defeat of the king. Then the rumour (*fremitus*) grew louder until at last cheers and applause arose as though definite tidings of victory had been brought to them. The magistrates were taken by surprise and enquired who had started this sudden outburst of joy.<sup>125</sup>

<sup>119</sup> Val. Max. 9.5.3; RE s.v. Plautius 23 (Münzer); Fagan 2002: 218.

<sup>120</sup> Fagan 2002: 218 and n. 89.

<sup>121</sup> Cf. Abbott 1907; Clavel-Lévêque 1984; Morgan 1990; Beacham 1991: 122–140; Flower 1995; Laser 1997: 92–102; Flaig 2003.

<sup>122</sup> Cic. Att. 2.19.3; Cic. QF. 2.14.2 (*theatri significationes*); Cic. Sest. 105, 115; Cic. Phil. 1.36; Cic. Pis. 65 (Cicero taunted Piso, asking whether he was afraid of hisses, or even violence).

<sup>123</sup> Plut. Pomp. 68.2. <sup>124</sup> On this practice, see Cic. Sest. 118, 120–122 (in favour of Cicero).

<sup>125</sup> Liv. 45.1.2–3: 'quarto post die, quam cum rege est pugnatum, cum in circo ludi fierent, murmur repente populi tota spectacula peruasit pugnatum in Macedonia et deiectum regem esse; dein fremitus increvit; postremo clamor plausus<que> uelut certo nuntio uictoriae allato est exortus. Mirari magistratus et quaerere auctorem repentinae laetitiae'.

The absence of a reliable source calmed the excitement until the official messengers arrived.<sup>126</sup>

### 2.2.2 *Outside the Forum: Compita, Streets, and Neighbourhoods*

The streets near the Forum were places for comments and for trying to get information. Macrobius pointed out that a good conversation was a like a vehicle.<sup>127</sup> If well-connected, one could stop politicians and converse with them. These places also hosted groups of people who commented on political news or were interested in it. Demosthenes described how people who crossed each other in the streets inquired about news ('Is there any news today?'), and speculated on Philip of Macedonia's health: 'Is Philip dead?' you ask. 'No, indeed; but he is ill.'<sup>128</sup> In a well-known satire, Horace boasted that his friendship with Maecenas was not tainted by political issues. Proud of not being entangled in the web of power, Horace promenaded in the streets around and in the Forum. A magistrate had spoken on the *rostra*, and rumours spread through the *compita*: it seemed that the irreducible Dacians threatened the province of Macedonia. It was not a small matter, for they were a combative people who had supported Mark Antony in 35–34 against Octavian. In 30 or 29 BC, Marcus Licinius Crassus was sent to Macedonia to deal with them and with other warlike tribes.<sup>129</sup> An acquaintance stopped Horace during his walk, called him *o bone*, and tried to fish for privileged information. He justified his request thus: 'You, that have the chance to be near the gods, must know about it.'<sup>130</sup> The poet happily denied it: 'Nothing, really.'<sup>131</sup> Another passerby insisted, this time asking for information about a different issue: the land distributions to Octavian's veterans, even requesting specific details about their locations: 'Well, is it in the three-cornered isle [Sicily] or on Italian soil, that Caesar means to give the soldiers their promised lands?'<sup>132</sup> Horace claimed his lack of information a second time, at which his interlocutors made a comment on his discretion. This seminal text provides us with details about an issue frequently absent from sources: political conversations in the streets. The identities of those who stopped Horace are unknown; nevertheless, they were aware that the poet had access to powerful circles. Horace's *Satires* described situations in everyday

<sup>126</sup> Liv. 45.1.4.    <sup>127</sup> Macrobi. Sat. 2.7.11.    <sup>128</sup> Dem. Phil. 1.10–11.

<sup>129</sup> See Verg. Georg. 2.497; D.C. 51.23–26.

<sup>130</sup> Hor. Sat. 2.6.51: 'nam te/ scire, deos quoniam propinquos contigis oportet'.

<sup>131</sup> Hor. Sat. 2.6.53: 'Nil equidem'.

<sup>132</sup> Hor. Sat. 2.6.55–56: 'militibus promissa Triquetra / praedia Caesar an est Italia tellure daturus?'



life in detail. Even though the exchange between the poet and his acquaintances did not actually take place, the situation is presented as quite feasible and even as common. 'Whoever comes my way asks my opinion', he exclaimed.<sup>133</sup> The nature of the information requested should be highlighted: first of all, a matter of exterior policy, the war against the Dacians; secondly, an interior policy matter, related to the army, the land distributions for the veterans. The interests of certain Roman citizens were quite varied.

Sources do not always specify the location of the streets in which these conversations took place. Sometimes it is difficult to ascertain precisely whether they were in the Forum, near the Forum, or leading to the Forum. These were the main places in which public opinion was interchanged through sociability. Other mentions of sociability and the exchange of public opinion in the streets do not refer to a specific location in the city. In fact, they could take place in any neighbourhood of the city. The actual configuration of Roman architecture played an important role. Streets in the Forum were cluttered with shrines, statues and milestones, which made them even narrower. Thus, Romans were compelled to walk close to one another, propitiating conversations. Some streets outside the Forum had a high rate of circulation, because they were important circulation arteries, full of shops and businesses. Others, of a more residential character, had less traffic.

The location of electoral notices in Pompeii allows the identification of frequented places of sociability, especially taverns and bathhouses.<sup>134</sup> Mouritsen has remarked that they might not have been written by supporters, but by the candidate himself.<sup>135</sup> In either case, the motivation for the writers was that the notices should be seen by as many people as possible; they therefore wrote them in the most frequented places. For instance, the graffito from Terracina that commented on Clodius' death was written on the east entrance of the theatre.<sup>136</sup> Other non-political *dipinti*, such as advertisements of public events, were placed in highly busy streets or near public buildings.<sup>137</sup> Franklin remarked that in Pompeii there was a high concentration of graffiti on a wall in an apparently non-busy corner of the

<sup>133</sup> Hor. Sat. 2.6.51: 'quicumque obviu est, me consulit'. <sup>134</sup> Laurence 1994: 86, 96–100.

<sup>135</sup> Mouritsen 1988: 47–69.

<sup>136</sup> Solin 1981: 357 understands this graffito ironically; Tatum 1990: 301–303 considers that it was part of a sincere eulogium to Clodius, possibly composed by his ally Cloelius; Cugusi 2000 proposes a different ironic interpretation of the graffito.

<sup>137</sup> Franklin 1986: 319; Mouritsen 1988: 53–57, 100; Laurence 1994: 96–100 (with distribution maps in pp. 98–99).



city. He identified nine electoral writings (CIL IV.817–25), four painted notices (CIL IV.820a 1190b–C, 2166), and five graffiti (CIL IV.2167–70, 3101). Thus, he concluded that this passageway between the ‘Via Stabiana’ and the Forum was a little piazzetta, a social centre of the neighbourhood.<sup>138</sup>

In the rest of Rome outside the Forum, it is logical that the places mentioned in which opinions were exchanged were those that would guarantee a high turnover of people: crossroads. In this context, Cicero’s advice to Cato during the trial against Murena had a special significance: ‘As you are a person of such *auctoritas*, you should not, O Marcus Cato, pick up abusive expressions out of the streets (*trivium*).’<sup>139</sup> A *trivium* could either mean a street or a piazza, that is, an urban space where three streets crossed each other.<sup>140</sup> Cicero did not point out which part of the city of Rome he was speaking of, whether the streets near the Forum or elsewhere. Nevertheless, it would have been a place that Cato would have traversed. In any case, this text shows that, in some cases, Roman politicians could be injured and insulted in the streets and that people would have commented and spread their opinions.

The *trivia* could be equated to the *compita*, since both were places for the exchange of information. A *compitum* was no more than a place where several ways met, a crossroads. Popular gatherings took place there, and they even served as open-air theatres during the festivities of the city.<sup>141</sup> Philargirus, Virgil’s commentator, also described these places as meeting points for the inhabitants of Rome, consecrated by the cult of the *Lares compitales*.<sup>142</sup> These were dated by the Romans from the time of King Servius Tullius, who had ordered the erection of altars for a cult organised by slaves.<sup>143</sup> Augustus reorganised the religious aspect of the *compita* by adding the cult of his *genius* to that of the *Lares compitales*.<sup>144</sup> Other events had also taken place in the *compita*, such as auctions or even plays.<sup>145</sup> *Compita* have been studied archaeologically in three cities: Rome, Pompeii, and Ostia. In Ostia, the *Piazza dei Lari* is square and was composed by a round altar with a small rectangular building attached to it. The four Roman *compita* preserved are on streets or in squares.<sup>146</sup> Only those in

<sup>138</sup> Franklin 1986: 319–320.

<sup>139</sup> Cic. Mur. 13: ‘qua re cum ista sis auctoritate, non debes, M. Cato, adripere maledictum ex trivio’. On Cato’s image in the *Pro Murena*, as projected by Cicero, see Stem 2006.

<sup>140</sup> E.g. Cic. Agr. 1.3.7. <sup>141</sup> See Hor. Sat. 2.3.25; 2.6.50; Amm. Marc. 28.4.29; Gell. 1.22.

<sup>142</sup> Philargirus in Virg. Georg. 2.382.

<sup>143</sup> Dion. Hal. Ant. Rom. 4.14.3–4. See Bakker 1994: 118–133 on religion and the *compita*.

<sup>144</sup> Laurence 1994: 38–50. On *vici*, see Wallace-Hadrill 2008: 264–269.

<sup>145</sup> Auctions: Cic. Agri.1.3. Plays: Hor. Ep. 1.49; Suet. Aug. 43; 45; Tac. Hist. 2.95.

<sup>146</sup> Carandini 2010: 31. In Rome, e.g. *compitum Acilii* and *compitum Fabricium*.

Pompeii are at crossroads of either important or secondary roads.<sup>147</sup> Fountains also featured at crossroads. Neighbourhoods have also been identified by the proximity of public fountains, which provided a place for sociability. Laurence, for instance, has located them in Pompeii as always being near street junctions; in that city, most people lived within 80 m of a fountain.<sup>148</sup>

The *compita* were closely related to politics. After his monetary reforms of 85 BC, largely desired by the people, statues were spontaneously erected to the praetor Marius Gratidianus in the *compita*.<sup>149</sup> This represented an innovation, as it was the cult of a living person: probably his *genius* was worshipped, that is, the divine part of a man.<sup>150</sup> Furthermore, *compita* had become places of *popularis* connotations. Thus, after the quartering of Gratidianus by Sulla's partisans, the dictator ordered the destruction of all the former praetor's statues, recognising their importance and meaning.<sup>151</sup> They contributed to the consolidation of plebeian opinion.<sup>152</sup> Tiberius' and Caius Gracchus' statues, erected after their death, before which the Roman people used to make sacrifices, were probably also set in the *compita*.<sup>153</sup> That place might have been the location for the small busts of terracotta of Pompey, two of which have been conserved, and whose rough manufacture indicate a popular origin.<sup>154</sup> Statues maintain a special meaning even after a very long period of time; the groups that feel attached to them may react and respond to them daily or on specific occasions.<sup>155</sup> Some Roman politicians, such as Sulla, considered that the veneration of certain statues implied a potential political threat.<sup>156</sup>

In a verse, Horace described a rumour that travelled from the *rostra* to the *compita*.<sup>157</sup> Opinion on well-known figures, not only politicians, was also exchanged in the latter. In another satire, written between 31 BC and 30 BC, the poet conversed with his friend Damasippus, who was ruined due to speculation and excessive spending on works of art.<sup>158</sup> During his

<sup>147</sup> On *compita* and archaeological remains see Bakker 1994: 124–128. On fountains, see Kaiser 2011: 83, 93.

<sup>148</sup> Laurence 1994: 42–50 (map establishing a relation between fountains and neighbourhoods in p 49).

<sup>149</sup> Plin. NH. 33.132; Cic. Off. 3.80; Sen. De ira 3.18.1. On Gratidianus' reform, see Crawford 1970: 42; Barlow 1980: 217–219.

<sup>150</sup> Marco Simón and Pina Polo 2000: 163–169 suggest that Augustus, ordering that his *genius* should be worshipped, would have appropriated this custom of the plebs.

<sup>151</sup> Luc. 2.173–87; Sene. De ira 3.18.1–2; Asc. 75, 78C. On Sullan propaganda during the 80s, see Frier 1971.

<sup>152</sup> Marco Simón and Pina Polo 2000: 155–161. <sup>153</sup> Plut. Cai. Grac. 18.3.

<sup>154</sup> On these busts, see pp. 226–229. <sup>155</sup> Gregory 1994: 81. <sup>156</sup> Gregory 1994: 91.

<sup>157</sup> Hor. Sat. 2.6.50. <sup>158</sup> Hor. Sat. 2.3.17; 2.3.35. Damasippus adhered later to Stoicism.

squandering, Damasippus' renown as an art collector was so well-known throughout Rome that he himself remarked: 'hence the crowded *compita* gave me the nickname of 'Mercury's pet' (*Mercurialis*)', meaning that he was the favourite of the god of commerce and good business.<sup>159</sup> People intoned street-corner songs about a young debauched aristocrat.<sup>160</sup> All this evidence forms a place where information was born, grew, was interchanged and flowed, where senators could know the latest insults against their political enemies.

According to the sources, information also circulated in the *pagi* and the *montes*, which, together with the *vici*, were three types of territorial associations. The *Commentariolum petitionis* advised Cicero to take into account not only the *collegia* but also the *pagi* and the *vicinitates*.<sup>161</sup> Cicero described both *pagi* and *montes* as *quasi concilia*.<sup>162</sup> They brought together freemen, freedmen and slaves according to the place where they lived.<sup>163</sup> Since there was no urban zoning in the Late Republic, and the rich and the poor lived in close proximity, these areas were fairly integrated.<sup>164</sup> *Pagi* were suburban settlements, while *montes* made reference to the seven hills that composed the city of Rome. The *pagi* appear in the sources particularly in relation to territorial divisions of foreign people, as Caesar described them when speaking about the Gauls.

These associations all depict an active and flourishing urban life for people of all social classes and statuses: they had their own magistrates, and organised their own feasts (*Septimontium* for the *montes*, *Compitalia* for the *vici*, and *Paganilia* for the *pagi*).<sup>165</sup> They were strongly linked to religion and cults. When these religious connotations were superseded, at least sometimes, by political connotations, they became worrying for the elite. They were not as dangerous politically as the *collegia*, which were banned during the Late Republic, but their reforms during the reign of Augustus hint that they were not innocuous either.<sup>166</sup>

<sup>159</sup> Hor. Sat. 2.3.25–26: 'unde frequentia Mercuriale /imposuere mihi cognomen compita'. Hor. Sat. 2.3.68; see commentary in Villeneuve 2001.

<sup>160</sup> Phil. VA. 4.20.1; see Toner 2009: 97. <sup>161</sup> Comm. Pet. 30.

<sup>162</sup> Cic. Dom. 74; ILLRP 698–699. See Purcell 1992: 674–675.

<sup>163</sup> On the *pagi* and the *vici*: Lott 2004: 4, 28–60; Wallace-Hadrill 2008: 260–269; Stek 2009.

<sup>164</sup> On the non-existence of zoning, see Purcell 1992: 675.

<sup>165</sup> On neighbourhood identity expressed through the *Compitalia*, see Lott 2004: 35–37.

<sup>166</sup> Most *collegia* were banned (Asc. 75C), together with the *Ludi Compitalicii*. Clodius restored them through a *lex collegiis* (Tatum 1999: 117–119). It is unknown which *collegia* were actually forbidden, and whether there was a relationship between *collegia* and *vici*. Caesar banned them again in 46 BC (Suet. DI. 42), and later on, Augustus repeated the measure (Suet. Aug. 32.1). See Liu 2005 on legislation of *collegia*; Liu 2008.

*Vici* were even a means of informal organisation.<sup>167</sup> After being elected as an aedile, Scipio distributed oil *in vicos*.<sup>168</sup> Fraschetti suggested that they existed informally during the Republic, and that *montes* and *pagi* were the main divisions during that period.<sup>169</sup> This interpretation has been challenged by Lott and Tarpin, who argue that *vici* are attested since the third century BC (or not, depending on the value ascribed to the testimony of Dionysius).<sup>170</sup> According to Lott, the Late Republic saw the development of a collective political will within the *vici*.<sup>171</sup> He mentions as an example their collective action in 121 BC when, in the chaos that followed the death of Gracchus, Fulvius Flaccus, one of his supporters, escaped by hiding in the shop of an acquaintance. Facing the threat of burning the *vicus*, the owner of the shop asked a third person to denounce Flaccus so that the *vicus* would not be destroyed.<sup>172</sup>

This organisation did not seem to have been politically relevant until Clodius used it to arrange violent demonstrations. The *Commentariolum petitionis* identified the *vici*, together with the *collegia*, as an important source of votes for the candidate, thus calling attention to their mobilisation for political purposes.<sup>173</sup> In his speeches, Cicero claimed that Clodius' supporters from the *vici* had been followers of Catiline in 63 BC.<sup>174</sup> The latter presented himself as the defender of the *miseri*, the urban poor.<sup>175</sup> The fact that his tomb was regularly covered with flowers has been linked to his popularity among the plebs.<sup>176</sup> Were these affirmations true, Catiline's instrumental use of the *vici* would predate that of Clodius. However, such rhetorical statements should be set into the context of Cicero's interests at the time, which included emphasising the continuity between Catiline and Clodius, even calling the later *felix Catilina*. Furthermore, the existence of real popular support for Catiline among the *vici* is at least doubtful.<sup>177</sup> By contrast, Clodius did use the inhabitants of the *vici* as manpower in violent demonstrations and as supporters for his laws, recruiting and organising them *vicatim*.<sup>178</sup> Wallace-Hadrill has suggested that Cicero stressed *montes* and *pagi* over *vici* because of the

<sup>167</sup> Cf. Lott 2004: 13–18 on ancient definitions of *vicus*. <sup>168</sup> Liv. 25.2.6–10.

<sup>169</sup> Fraschetti 1990. <sup>170</sup> See Tarpin 2002; Lott 2004: 13–18 on ancient definitions of *vicus*.

<sup>171</sup> Lott 2004: 45–60. <sup>172</sup> App. BC. 1.3.26. <sup>173</sup> Comm. Pet. 30.

<sup>174</sup> Cic. Red. Quir. 13; Planc. 35; Pis. 11, 16, 23; Dom. 61. <sup>175</sup> Cic. Mur. 50–51.

<sup>176</sup> Cic. Flacc. 95. <sup>177</sup> Harrison 2008: 115–116.

<sup>178</sup> Cic. Sest. 34. Lott 2004: 59–60 has pointed out that, although organised by *vici*, those supporters were enrolled in the Forum; Cicero was especially angry at the movement of those poor people from their *vici* to the Forum. On Clodius' use of these groups, see Lintott 1968: 77–83; Vanderbroeck 1987: 112–116; Sumi 1997: 84–85.

‘revolutionary associations’ of the latter, which were involved in urban disorders during the last two decades of the Republic.<sup>179</sup>

This organisation of neighbourhoods was modified after the Late Republic: Augustus turned the four *regiones* into fourteen, and reaffirmed the importance of the *vici*.<sup>180</sup> This process can also be attested in Pompeii, where the cult of the *Lares Augusti* centralised religion in the *vici*, to the detriment of the *Lares Compitales*. Not only local identity, according to Laurence, was changed but also the shape of the urban space and, for our case, the places of sociability.<sup>181</sup> Thus, *compita* and *vici* were not only the places of cementation of alternative networks, as Laurence and Newsome have proposed, linked to sociability but also an important place for the exchange of information, from rumours to any kind of news, including political news.

### 2.2.3 Houses

The house was an important element in the sociability of the elite, which is the group for which sources are available. Dinners, for instances, were one of the most common occasions of sociability for the elite. The extent to which the popular classes socialised at home is unknown.

Distances were important when information had to be circulated and gossip be conveyed. Some districts were more coveted by the elite than others, especially the Palatine, because of its proximity to the Forum. By the Late Republic, important politicians such as L. Licinius Crassus (cos. 95), M. Aemilius Scaurus, Trebatius Testa, Hortensius Hortalus, Lutatius Catulus (cos. 102, owner of the future ‘house of Livia’), P. Cornelius Sulla (cos. 66), Clodius, and Cicero, amongst others, lived there.<sup>182</sup> Some families even owned large plots and several houses, such as the Licinii.<sup>183</sup> They were conveniently situated, less than ten minutes away from the Curia and the Forum. Cicero proudly announced that he had

<sup>179</sup> Wallace-Hadrill 2008: 266–268. On *montes, pagi* and the plebs’ political life, see Purcell 1992: 673–680.

<sup>180</sup> Interestingly, Wallace-Hadrill 2008: 274–275 has linked Augustan reforms of the city to a stronger control at micro level, assimilating them to Paris after Haussmann’s reform and to the repression of the uprising of the Commune in 1871 through such architectural changes. On Augustan reforms, see Lott 2004: 81–127; Wallace-Hadrill 2008: 276–290. However, we do not know what kind of subdivision the *vici* represented in relation to the *regiones*. The four traditional *regiones* were originally the four urban voting tribes, but these had already lost that meaning by the Late Republic.

<sup>181</sup> Laurence 1994: 42.

<sup>182</sup> Carandini 2010: 82–94 for identification of the actual sites of these houses. On the Palatine as a prime location, see Carandini 2010: 78–150.

<sup>183</sup> Carandini 2010: 94–98. See Palombi 1994.

bought a house in the busiest part of the city.<sup>184</sup> Owing to their prime location, the houses situated just after the Atrium Vestae, at the end of the Forum, were no doubt in an ideal space for circulation of opinion.<sup>185</sup> Nevertheless, not all politicians followed this rationale. Caius Gracchus, for instance, lived there until he moved to a more popular neighbourhood, much closer to the Forum, to be nearer the plebeians.<sup>186</sup> The Carinae, on top of the Velia, had a privileged view over the Quirinal, Forum, Capitolium, and Palatine. Pompey's family house, inherited from his father, which Mark Antony would buy at an auction after the civil war, was located there. The whole neighbourhood had a distinctive Pompeian flavour; Palombi has suggested that Varro could also have lived there.<sup>187</sup> Other well-known dwellers were Appius Claudius Pulcher, who lived in the family house of the Claudii, and the Ciceros: Marcus Cicero lived in his father's house until 62 BC, when he bought a house in the Palatine, and his brother Quintus dwelt there until 59 BC, when he too rented a property on the Palatine.<sup>188</sup> In the Carinae, but near the Sacra Via, the houses of the Domitii Ahenobarbi were located, which featured the biggest peristilum in the area, of 1,700 square metres.<sup>189</sup>

The houses of the elite were important as centres for the reception and distribution of news and information. These were distributed, as we shall see, by visitors and by slaves. In the *Commentariolum petitionis*, Quintus Cicero remarked that household slaves were crucial for transmitting information and rumours to the outside world.<sup>190</sup> Their physical mobility could be much higher than that of their masters, and they could reach a public that their overlords could not. For instance, slaves could accompany their owner to the baths or the Forum, but also usually went to the market and to do business. Nevertheless, their position was always delicate, since they could get away with exchanging news and rumours about confidential matters.<sup>191</sup>

The *salutatio* was an important rite in Roman politics and, also, a moment of sociability.<sup>192</sup> Visitors of all statuses were received in the

<sup>184</sup> Carandini 2010: 128–138, on Cicero's house and his next door neighbour Clodius.

<sup>185</sup> Cic. Dom. 146: 'urbis enim celeberrimae et maximae parte'; Newsome 2010: 51–52 on the meaning of *celeberrimus*, which he associates to a 'perception of space', while reserving *frequentissimus* for a description of the space.

<sup>186</sup> Plut. CG. 12.1; 15.5; 17.

<sup>187</sup> On Varro's house, see Palombi 1997: 141; 140–149 about the Carinae as a Pompeian neighbourhood; also Carandini 2010: 28–31, 52–55.

<sup>188</sup> Plut. Cic. 8.3; Cic. Har. Resp. 31; Cic. QF. 2.3.7; 2.4.2.

<sup>189</sup> Carandini 2010: 32, 71–74.

<sup>190</sup> Comm. Pet. 17; Toner 2009: 165–166 on slave gossip.

<sup>191</sup> Cic. QF. 1.1.17.

<sup>192</sup> On *salutationes*, see Flower 1999: 217–220; Goldbeck 2010 on communication between groups of varying status at these occasions.

house, waited and came and went through the same corridors. Waiting to be received was, in fact, a common topic used by writers when describing the workings of *clientela*. Vitruvius lectured about the statesman's need for great halls and colonnades to receive throngs of visitors.<sup>193</sup> This public character was emphasised by the architecture: *atria* were built in the same forms as a *basilica* or a *tablinium*.<sup>194</sup>

Inside the houses, dinners represented a more important context for elite political sociability. The most common expression used by Roman authors was *convivium*; *epulum* was preferred for a religious or public banquet. Dinner began at the end of the business day, and could be prolonged for many hours. After dessert began the *comissatio* or banquet that took place during the afternoon and to which new visitors usually came. Elite dinners could sometimes have an audience, what made them not very private.<sup>195</sup> Guests would listen to poets and writers, and discuss the news of the day, wandering from one subject to another.<sup>196</sup> These customs are reflected in Plutarch's treaty, *Quaestiones conviviales*, composed of conversations held during dinner. There was a choice of subjects, among them philosophical and ethical questions, natural history issues and antiquarian matters.<sup>197</sup> In his *De senectute*, Cicero had Cato say that, with age, he preferred serious conversations at the table instead of wine.<sup>198</sup>

Elite sociability at dinners was integral and intrinsic to Roman political life; commensality created and maintained social relations.<sup>199</sup> Politics were undoubtedly discussed during those dinners.<sup>200</sup> The municipal law *lex coloniae Genetivae* recognised this aspect, since it forbade the invitation of more than nine guests to the candidate's home during the electoral period.<sup>201</sup> This legislation shows that the number of people in these meetings could be even greater. In his attack against Verres, Cicero maintained that the former governor of Sicily had lavishly decorated dining rooms (*conclavia*) of thirty *lecti* in his villa.<sup>202</sup> If every *lectus* could be used by three persons, Verres could dine with up to eighty-nine people. In the

<sup>193</sup> Vitr. 6.5.2. <sup>194</sup> Wallace-Hadrill 1988: 59–68. <sup>195</sup> Cf. D'Arms 1999.

<sup>196</sup> Poetry lectures after dinner: Pers. 1.30; Mart. 5.78.23 (the host reads a voluminous book); 4.82 (the poet asks Venuleius to avoid reading his poems until the first or last cup). See D'Arms 1984.

<sup>197</sup> Plut. Quaest. Conv. Touching many subjects at dinners: Sen. Ep. 64.2.

<sup>198</sup> Cic. Senect. 46. On serious conversations, see Cic. Cat. Mai. 46; Plut. Quaest. Conv. 8.14.12; see Sid. Apoll. 1.2.

<sup>199</sup> See Donahue 2003 drawing on the work of sociologist Grignon 2001. Donahue 2003: 246 mentions five categories of dining: institutional, domestic, exceptional, segregative and transgressive.

<sup>200</sup> On dinners and political conversations, see Boissier 1900: 69–78; Stein-Hölkeskamp 2001; Schnurbusch 2011: 244–250.

<sup>201</sup> *Lex coloniae Genetivae Iuliae* 132; Schnurbusch 2011: 240–244 on dinners during electoral campaigns.

<sup>202</sup> Cic. 2Verr. 6.38.



*Commentariolum petitionis*, Cicero is advised to offer dinners to the people, organised directly by himself or through his friends.<sup>203</sup> During Caesar's consulship in 59 BC, Cicero pointed out that conversations (*sermones*) during dinners (*convivia*) had become more frank, with no beating about the bush.<sup>204</sup> Of course, taking into account Cicero's circles, those conversations were highly critical of Caesar. Cornelius Balbus was chastised in many dinners (*in conviviis rodere*) for his swift enrichment.<sup>205</sup> Military matters were also discussed by armchair generals at these dinners. Before the beginning of his campaign in Macedonia, Aemilius Paullus condemned in a public speech those who, while dining, voiced their opinions about the strategy that his army should follow.<sup>206</sup> The murderers of Caesar prepared their attack during banquets. Catilinarians were also said to have organised their conspiracy in a similar setting.<sup>207</sup>

Texts read at dinners were not strictly literary, and political works also featured. We do not know whether pamphlets or excerpts of speeches were recited, but there is evidence for the reading of political treatises. After the civil war between the Pompeians and the Caesarians, Cicero wanted to dedicate a treatise to the late Cato, the great Pompeian hero. This initiative gave rise to several treatises for and against Cato (*Catones* and *Anticatones*), which would proliferate during those years, with authors as highly considered as Brutus, Hirtius, and even Caesar himself.<sup>208</sup> In a frank letter to Atticus, Cicero confessed his incapability to write something that Atticus' friends at dinner would like to read.<sup>209</sup> The guests of Atticus' *convivia* did not seem to share Cicero's vision of Cato: the former even pointed out that he could not write any praise of Cato without having to mention the civil war.<sup>210</sup> If Cicero proposed a hypothetical reading of his *Cato* during a banquet, other similar texts may have had similar fates. The proliferation of pamphlets during the 50s and 40s, and even after Caesar's murder, may imply that they were read at dinners, guaranteeing their diffusion. Occasionally, even texts with discordant opinions were read: when Cicero received a copy of Hirtius' *Anticato*, presuming it an advance version of Caesar's work, he requested Atticus to have his scribes make numerous copies. Thus it could be distributed, and the attacks on Cato would provoke indignation.<sup>211</sup> The reading of pamphlets would also give way to group solidarity between senators with similar ideas.

<sup>203</sup> Comm. pet. 44. <sup>204</sup> Cic. Att. 2.18.2.

<sup>205</sup> Cic. Balb. 57. On Balbus' enrichment: Cic. Sest. 54; see Brunt 1982: 136.

<sup>206</sup> Liv. 44. 22. 6–10. <sup>207</sup> Sal. Cat. 20.1.

<sup>208</sup> See pp. 111–112; 139–140. Augustus wrote a *Rescripta Bruto de Catone*, which he still read in public in his old age (Suet. Aug. 85.1).

<sup>209</sup> Cic. Att. 12.4.2.

<sup>210</sup> Cic. Att. 12.4.2.

<sup>211</sup> Cic. Att. 12.40.1; 12.41.4; 12.44.1; 12.45.2.



This study of the sociability of Roman citizens reflects upon a world in which political information travelled around the whole city. Citizens interacted on formal and informal occasions: during a stroll around the Forum, while relaxing at the baths or having a drink in a *taberna*, at a dinner at a house, in the market, at the theatre or at the games, by a fountain while waiting their turn to fetch fresh water, or on a street corner. Sometimes people met to talk about politics. On other, and probably more numerous, occasions, the conversations that ensued were not intended primarily to distribute political information. It happened naturally as a by-product of such encounters. However, this unpremeditated character made it more powerful, and extended the practice of politics outside official, formal events and occasions. The passing on of a nickname or a rumour is part of public opinion and constitutes political behaviour, as much as revolting against a policy or voting in an election.<sup>212</sup> It is just a matter of scale, of the people involved, and of the repercussions. Sociability and its relationship with politics implied that a comment during a dinner or in a street corner was a form of political participation, albeit an informal one.

Now that the occasions and locations that allowed for that circulation of information have been established, the study of how these news, rumours, and gossip actually circulated should follow. In 111 BC, Jugurtha visited Rome in person; he ended up being questioned in a *contio*, in front of the people, for bribing Roman generals.<sup>213</sup> Once peace had been achieved and signed, rumours (either through letters from Roman generals or from other non-military people in the area) had arrived in the city, claiming that the consul who had signed the treaty had been bought. From that moment, rumours grew through social interactions. Both senators and the plebs discussed and debated the consul's actions, not agreeing on the right course to take.<sup>214</sup> Furthermore, Sallust not only mentioned places of sociability where people met, *per omnis locos et conventus*, but also pointed to the ubiquity of political comments on such places of sociability. Thus people discussed this affair not only in the Forum or in the Senate, but everywhere that they gathered or met. Rumours and gossip were part of political life.

<sup>212</sup> On nicknames as expression of public opinion, see Rosillo-López 2017b.

<sup>213</sup> On Jugurtha as a disruptive force in Roman politics, see Kraus 1999; esp. 211–232 on the king bribing Roman magistrates.

<sup>214</sup> Sal. Bl. 30.1–2.

### CHAPTER 3

## *Rumours, Gossip and Conversations in Roman Political Life*

Politics is a constantly changing field. Like a chemical reaction, it changes in contact with news, gossip and rumours. Roman politicians were aware of this fact and acknowledged that the force of a rumour, similar to wind in the sails of a ship, could change the course of the State: ‘The interval of one day, – the lapse of one night – often throws everything into confusion. The slightest breeze of rumour sometimes changes the entire opinions of people.’<sup>1</sup> Rumours and gossip should be analysed not only as part of political life but also as a process in themselves: how they circulated, how they propagated, their forms, and how they changed individual and collective political life. This chapter postulates that gossip and rumours were the mechanisms through which opinion was transmitted in Rome and through which public opinion was created and circulated.

Gossip was not initially of interest to historians or sociologists; anthropology was the field that pioneered its study.<sup>2</sup> Even today, gossip is an underanalysed field. The main reason is probably its negative connotations: scholars frequently claim that they are not defending this practice, only studying it. In 1963, Gluckman published a seminal and witty article that established the fundamentals of the study of gossip. Firstly, he claimed that gossip should not be dismissed as small talk or vain conversation, since it formed the moral order of the communities. In fact, he stated, anthropologists analyse it to observe the links between the maintaining of the cohesion of the group and its morality.<sup>3</sup> In opposition to its traditional negative image, gossip and even scandals share important virtues, such as maintaining unity, morality, and the values of social groups; they allow the control of competition and rivalry of individuals who aspire to a higher and more prestigious political status.<sup>4</sup> This is fundamental to understanding

<sup>1</sup> Cic. Mur. 35: ‘Dies intermissus aut nox interposita saepe perturbat omnia, et totam opinionem parva non numquam commutat aura rumoris’.

<sup>2</sup> Historiography on the study of rumour and gossip in Froissart 2000.      <sup>3</sup> Gluckman 1963: 308.

<sup>4</sup> Gluckman 1963: 308; 313.

the importance of gossip in the Roman Republic: to a certain extent it helped to impose a moral and social order, through criticism of the ruling elite and, especially, of those members who have surpassed the moral limits that society imposed. Through that criticism, expressed through gossip, the rest of the community controlled the elite.

From another point of view, Paine argued that gossip also represented an important means of communication.<sup>5</sup> He disagreed with Gluckman, and considered that gossip was centred more on the individual and his own interests than on the community.<sup>6</sup> The person who distributed information through gossip (and, in the Roman case, also through rumours) selected the channel of information, sending the message that he wished other people to receive, to improve his own situation.<sup>7</sup> Lewis has distinguished between news and gossip in regard to the size of the public among whom an item circulates, leaving aside whether it was public or private.<sup>8</sup> Examining rumour during the repression of the Bacchanalian rites in Rome, Dubourdieu and Lemirre established a difference between rumour and gossip: the latter had a much restricted diffusion, whereas rumour circulated on a larger scale, since it included elements that interested the whole group.<sup>9</sup> This distinction will be used for the following analysis.

The sources make reference to rumours of all types, mainly preserved because of the potential interest for the receiver of the information. They were transmitted through letters addressed to members of the ruling elite, and thus almost unanimously featured the Roman political situation and trials of a heavy political nature. Rumours about economic issues, for instance, were in the minority. Different attitudes have been identified in regard to rumours. There are those who instigate it, who try to find a coherent explanation; the leaders of opinion, who impose their own view into the group; the 'apostles', those who try to convince others of the veracity of the rumour; those who 'flirt' with it, who delight in it although they are not completely convinced; and those who are resistant, even anti-rumour.<sup>10</sup>

The connection between gossip, rumours and women is the subject of scholarly debate. Hunter and Gottesman have pointed out that in Athens, gossip was immediately associated with women, who actually had few

<sup>5</sup> Paine 1967: 278. Word-of-mouth news has played an important role in other political regimes: in Soviet Russia, for instance, it was a complementary source of information for the elite and a substitutive for the lower classes. See Bauer and Gleicher 1953.

<sup>6</sup> Paine 1967: 279–282. <sup>7</sup> Paine 1967: 282–283. <sup>8</sup> Lewis 1996: 9.

<sup>9</sup> Dubourdieu and Lemirre 1997: 294–295. <sup>10</sup> Kapferer 1987: 112–115.

occasions to go out into the street and talk.<sup>11</sup> When Plutarch discussed how swiftly rumours could spread in his treaty *De garrulitate*, he chose an anecdote featuring a woman, but plenty of men appear in the rest of the treaty engaged in gossip.<sup>12</sup> However, although the opposite may have been true, the discourse of gossip could be gendered.<sup>13</sup> Greek and Roman moralists and satirists lampooned women as chatterboxes.<sup>14</sup> However, looking specifically at Roman politics of the second and first centuries BC, political gossip and rumours were not gendered. They were forms of communication in which all inhabitants engaged, regardless of social class or gender.

Which concepts did the Romans use to conceptualise this category? In his speech in favour of Murena, Cicero tried to show Sulpicius Rufus, the accuser, that the advantages that he had enjoyed during the elections, such as the antiquity and renown of his family, had not been effective.<sup>15</sup> Murena, on the contrary, had two key cards in his hand: first of all, the presence in Rome during the elections of Lucullus' army, in which Murena had served; secondly, the expectation that he would organise big games, which Cicero mentioned using two terms, *rumor* and *sermo*.<sup>16</sup>

*Sermo*, meaning 'conversation', was also used by many sources as a synonym for *rumor*.<sup>17</sup> In a philological treaty, Varro derived *sermo* from *series* and succession, and put it on the same footing as conversation, as did Christian Latin authors such as Tertullian.<sup>18</sup> For Cicero, *sermo* took place in meetings, in discussions, in familiar gatherings and in dinners: that is, in places of informal conversation, with no rhetorical rules to follow.<sup>19</sup> The first Church Fathers used this term to translate the Greek word *logos*, the beginning of the Gospel according to St. John.<sup>20</sup> While the *Vulgata* preferred *verbum*, following a translation recognised since Augustin, Erasmus of Rotterdam defended *sermo*, basing his choice on philological and patristic

<sup>11</sup> Hunter 1990; Gottesman 2014: 60. On gossip and women in Athens, see Hunter 1990: 303–304, 316–321.

<sup>12</sup> Plut. *De garrul.* 11 (507–508). See pp. 1–2. <sup>13</sup> Wickham 1998: 15.

<sup>14</sup> E.g. *Juv. Sat.* 6. 398–412, on this text Kartzow 2009: 89–93; see Lewis 1996: 11–12 on the importance of talkativeness of women in spreading gossip in the Greek city; Kartzow 2009: 67–116 on ancient representations of female gossipers.

<sup>15</sup> On Sulpicius Rufus, see Michel 1975. <sup>16</sup> *Cic. Mur.* 37.

<sup>17</sup> See OLD. s.v. *sermo*, *rumor*; O'Rourke Boyle 1977: 164 and n. 26; Bettini 2008: 358–361 on the etymology of *rumor*, linked by the Romans to 'ruminating' (*rumen*), as in the repetitive chewing of speech, collectively constructed. Lévy 1993 on *sermo* as characterised by the absence of confrontation; Remer 1999: 43–49 on *sermo* and Cicero; Damon 1997 on Livy's use of *sermones* as sources.

<sup>18</sup> Varr. *De ling. lat.* 6. 64; E.g. *Tert. Ad Her.* 20.4.

<sup>19</sup> *Cic. Off.* 1.132. By contrast, *contentio* took place in trials, *contiones*, and Senate. *Rhet. Her.* 3.23 on *sermo* as similar to everyday conversation.

<sup>20</sup> *Ev. of John* 1.1.

reasoning.<sup>21</sup> The expression *sermo populi* only appears six times in Latin literature: four of them in Cicero's corpus (in three speeches and a letter to Atticus), one in Tacitus, and the last one in Pliny the Younger.<sup>22</sup> Expressions such as *sermo hominum* were more frequent: Cicero used it frequently in speeches, letters, or philosophical and rhetorical works.<sup>23</sup> *Rumor populi*, another similar expression, had already appeared in Ennius, Plautus, and Terence; nevertheless, after these authors, its use decayed, and only three more instances are found, of which two were rhetorical treatises (*Rhetoric to Herennius* and one of Quintilian's declamations).<sup>24</sup> Thus, *rumor* and *sermo* seem to have had similar meanings in Latin.

### 3.1 Rumours and Politics in Rome

Rumours were part of the habitual workings of Roman politics. In a letter to Atticus, Cicero praised him for painting such a lively picture of the tempestuous year of 59 BC through the *varietas sermonum opinionumque* that he imagined himself to be in the city.<sup>25</sup> Sociability and frequent contact between people meant the possibility of engaging in conversations, some of them possibly of a political nature. Rumours and comments could come from any source, about any subject related to the life of politicians: the orator warned his brother that some things should not be entrusted to the slaves, in order to avoid *sermo*.<sup>26</sup> In an exaggerated and literary manner, Cicero scolded the judges of the trial against Milo for not being aware of the supposed *leges Clodianae* which were going to destroy the government, by asking them *vestrae peregrinantur aures?* ('are your ears travelling abroad?'), since the whole city was allegedly talking about them.<sup>27</sup> Those who were not well-informed could be qualified as *imperiti*.<sup>28</sup>

When Romans defined what constituted political information, rumours were given a principal place, since they were described several times on an equal footing with news or facts. Cicero told Atticus in 51 BC: 'Having no

<sup>21</sup> O'Rourke Boyle 1977: 161–165.

<sup>22</sup> Cic. Dom. 9; 2Verr. 1.129; Flacc. 82; Att. 2.5.2; Tac. Hist. 2. 96, 2; Plin. Ep. 1.22.5.

<sup>23</sup> E.g. Cic. 2Verr. 2.129; 3.49; 4.13; Cat. 1.23; Phil. 11.23; Cluent. 85; Rab. 2; Balb. 56; Mur. 16; Cael. 69; Sull. 59; De orat. 2.105; De orat. 2.32; De rep. 6.20; Parad. Stoic. 6.43; Att. 9.19, 4; Att. 11.12.1; Fam. 3.8.1; 15.14. 4; QF. 1.1.39; 1.2.1; 3.2.2.

<sup>24</sup> Enn. Ann. 7.254; Plaut. Cas. 11; Ter. Ph. 911; Rhet. Her. 4.41; Tac. Ann. 14.29.2; Quint. Declamat. Maio. 10.8.3.

<sup>25</sup> Cic. Att. 2.15.1. On conversations and rumours, see Achard 2006: 227–238.

<sup>26</sup> Cic. QF. 1.1.17. On slaves as a source of information and rumours, see p. 71. <sup>27</sup> Cic. Mil. 33.

<sup>28</sup> Cic. Mil. 62.

news, I have nothing to relate . . . I believe something has been done in the Senate today. So send me a letter, giving not only all the facts but the gossip too.<sup>29</sup> Caelius warned Cicero that, if anything really important occurred, he would write straight away providing information on what had happened, the opinions that had been provoked, and what was expected to happen.<sup>30</sup> These three parts comprised what a Roman politician needed to know about political issues. In the previous sentence, Caelius had described the contents of his letters, stating that they were full of everything: *senatus consulta, edicta, fabulae, rumores*.<sup>31</sup> Cicero's son mentioned that, during his sojourn in Athens, he was up-to-date with the political situation through news and rumours.<sup>32</sup> Thus, rumours were one of the main sources of information, together with letters and conversations: 'Others will write; many will bring me news; much too will reach me even by way of rumour.'<sup>33</sup>

Rumours by their very nature, and with few exceptions, were anonymous, or their origin was difficult to trace. Gossip and rumours were described by Cicero as 'headless, authorless'.<sup>34</sup> They could be characterised as a non-official source, which sometimes forced official powers to act.<sup>35</sup> This trait made them flexible ways of delivering information, because nobody had to stand out as responsible for their authorship.<sup>36</sup> At the same time, it left the door open to doubts about their veracity, which was one of the main conundrums that Roman politicians had to face.<sup>37</sup> Of course, these two aspects of rumours would be exploited by Roman orators in their speeches, as the author of the *Rhetorica ad Herennium* and Quintilian artfully suggested: 'There are those who consider *fama* and rumours as a form of consensus among the citizens and as public testimony. Others, however, consider it a discourse without any reliable source, which provokes ill-will and increases gullibility.'<sup>38</sup> Cicero's clamours for reliable information

<sup>29</sup> Cic. Att. 5.5.1: 'Habeo . . . nec quod narrem (novi enim nihil). Eo autem die credo aliquid actum in senatu. Sequantur igitur nos tuae litterae quibus non modo res omnis sed etiam rumores cognoscamus'.

<sup>30</sup> Cic. Fam. 8.1.2. <sup>31</sup> Cic. Fam. 8.1.1. <sup>32</sup> Cic. Fam. 16.25.

<sup>33</sup> Cic. Fam. 2.8.1: 'Scribent alii multi nuntiabunt, perferet multa etiam ipse rumor'.

<sup>34</sup> Cic. Fam. 12.10.2: 'sine capite, sine auctore'. <sup>35</sup> Kapferer 1987: 24–25.

<sup>36</sup> Cic. Fam. 12.10.1. Cicero complained that the rumours were *sine auctore*, even though they were constant and persistent.

<sup>37</sup> See Allport and Postman 1946/1947 who wrongly considered all rumours to be untrue. This conception stems from their role in the Office of War Information, charged during the Second World War of controlling rumours. On their work, see Kapferer 1987: 12–13. *Ibid.*, 23, on the uselessness of defining rumour according to false or true lines.

<sup>38</sup> Quint. 5.3: 'famam atque rumores pars altera consensum civitatis et velut publicum testimonium vocat, altera sermonem sine ullo certo auctore dispersum, cui malignitas initium dedit incrementum credulitas'. See Rhet. Her. 2.12. See pp. 197–204.

pervade his letters.<sup>39</sup> Sometimes he asked Atticus for other rumours, since the ones he had had no basis, which he described in Greek as *adespotoi*.<sup>40</sup> Rumours could arrive and change every day.<sup>41</sup> However, the supple and adjustable nature of rumours and their wide range could lead to deception, since one could reject rumours that one did not like in favour of others. Reliability of information carried through letters was extremely subjective. Self-delusion about news could also play an important part. For instance, Cicero described the rumour that Caesar had left Alexandria as *non firmus*, though he knew that the source was Sulpicius Rufus, who was not pro-Caesarean and lived in Samos at that time, and that it had been confirmed by all later messages which had arrived at Brindisi, a city that was particularly well located in the Adriatic to receive fresh news from the East.<sup>42</sup> Sallust described the rumours about the siege of Cirta as *clemens*.<sup>43</sup> When deciding in 46 BC which way to go, Caecina questioned whether Sicily or Asia would be more suitable. Sicily won the discussion essentially because of the ease with which letters could be sent and received in order to gain Caesar's pardon.<sup>44</sup> A badly selected location could, in this case, mean political death. To be cut off from social networks that could provide accurate information about political events, rumours and opinions implied that politicians would not be able to interact with these opinions, which was part of a healthy and successful political career.

Rome, being the political centre, was generally buzzing with rumours. Tacitus described clearly how rumours appeared, escalated and circulated: '... at first, in whispered gossip, as is the way with forbidden news; soon, in a rumour which ran wherever there were fools with open ears, or malcontents with the usual taste for revolution'.<sup>45</sup> Rumours propagated in progressively wider circles. Caelius mentioned to Cicero that rumours expanded in small circles 'that you know'. Nevertheless, they would soon be divulged to the rest of the citizens, since Domitius 'put his hands around his mouth', mimicking a trumpet.<sup>46</sup> This last detail shows the filtration of

<sup>39</sup> E.g. Cic. Att. 16.13a[b].1.      <sup>40</sup> Cic. Att. 5.3.1; Fam.15.17.3; 12.9.1; 10.34a.1 (false rumours).

<sup>41</sup> Cic. Fam. 12.10.1.

<sup>42</sup> Cic. Att. 11.25.2. On the identification of Sulpicius as Sulpicius Rufus, see Beaujeu 1993: 277.

<sup>43</sup> Sal. BI. 22.1. This unusual turn has raised discussions since Priscian interpreted 'clemens' as 'non nimius', which most of the translators have followed.

<sup>44</sup> Cic. Fam. 6.8.2.

<sup>45</sup> Tac. Ann. 2.39.3: 'occultis primum sermonibus, ut vetita solent, mox vago rumore apud inperitissimi cuiusque promptas auris aut rursum apud turbidos eoque nova cupientis'.

<sup>46</sup> Cic. Fam.8.1.4: 'sed inter paucos, quos tu nosti, palam secreto narrantur; at Domitius, cum manus ad os apposuit'. Cavarzere 1983: 207–208 discusses the exact meaning of this gesture. See also Osgood 2014: 90, n. 327.

a rumour from the circles of power to larger groups. Rumours were created and then circulated by the meeting of people in the streets. Thus the news of the defeat at Lake Trasimenus spread in Rome: '[The citizens] filled themselves up with *rumores*, one from the other, and carried them home.'<sup>47</sup> Apparently, the bigger and more outrageous the rumour, the more interested people were: that is how Cicero justified the gossip that Fonteius, governor of Gaul, had imposed a new tax on wine so as to charge it several times.<sup>48</sup> Rumours anchor in reality and become political information if they are mentioned publicly by magistrates or discussed in the Senate, as happened during the affair of the Bacchanalian rites in 186 BC, when the consul Postumius delivered a long speech about their dangers, and the Senate reacted to it with decrees that outlawed the cult and investigated the participants.<sup>49</sup>

These conversations could be localised within some groups before an opinion was made public. At the end of 54 BC, a tribunician veto prevented the consul Appius Claudius from passing the *lex curiata*, which would bestow upon him the *imperium* to govern his province. This legislative question was the subject of many discussions. Appius Claudius had for a time been expressing his opinion in conversations (*in sermonibus*), before he finally expressed it out loud and openly (*palam*) in the Senate.<sup>50</sup> Cicero equated the open statement in the Senate, probably opposing speaking publicly and with the *auctoritas* of a consul, to a mere comment in the Curia to a small group of listeners.

Rumours could be long-lived. Tacitus reported that the rumour about Tiberius murdering his own son in AD 26 was 'so strong that it persists today'.<sup>51</sup> Oral tradition could thus ensure the survival of rumours for decades. In a *contio*, Cicero requested that the people pass on his triumphs and achievements by word of mouth, so that they could strengthen and live.<sup>52</sup> Even after the affair had passed, rumours were still important: Sulla defended himself against them in his own autobiography, so as to leave for posterity his own version of the events.<sup>53</sup>

Rumours could have a real impact in Roman politics. The *optimates* opted to name Pompey *consul sine collega* in 52 BC after rumours of him being named dictator circulated within the plebs.<sup>54</sup> The origin of the

<sup>47</sup> Liv. 22.7.8: 'alius ab alio impleti rumoribus domos referent'. <sup>48</sup> Cic. Font. 20.

<sup>49</sup> Liv. 39.8–19; Dubourdieu and Lemirre 1997 for an analysis of the role of rumour in this affair.

<sup>50</sup> Cic. Fam. 1.9.25; on the legislative problem, see Pina Polo 2011: 225–248.

<sup>51</sup> Tac. Ann. 4.10: 'et non omiserim eorundem temporum rumorem validum adeo ut nouum exolescat'.

<sup>52</sup> Cic. Cat. 3.26. <sup>53</sup> Plut. Sul. 23.3–5. <sup>54</sup> Cic. QF. 3.4.1; Asc. Mil. 14.



rumour is unknown, but Pompey was a popular figure with the people. The *optimates* themselves might have circulated it to compel the rest of the Senate to make a decision about the matter. The possibility of naming Pompey as dictator grew, and the *optimates* decided to create a similar charge, deprived of the negative political connotations of the dictatorship for the *populares*, who had the ghost of Sulla in mind. Imperfect information deriving from rumours prevented the clarification of a confusing political situation.<sup>55</sup> Contradictory rumours about Tiberius Gracchus' actions provoked chaos, as people murmured that he had deposed the other tribunes, because they were not in sight, or that he had appointed himself tribune without voting. These contradictory versions outraged the Senate, and played a role in the events that led to Gracchus' death.<sup>56</sup> In 43 BC, rumours that Cicero was going to lead a coup d'état were so insistent that a tribune convoked an assembly, in which the people stated that they refused to believe the story.<sup>57</sup> In the same year, murmurs about the content of a letter by Munatius Plancus provoked the calling of a session of the Senate, with the full number of senators in attendance.<sup>58</sup> In 49 BC, rumours said that Caesar was marching towards Rome with his army; in reply, consul Marcellus charged Pompey with the command of the troops in Italy and the protection of the State.<sup>59</sup> This dependence on rumours was logical in a preindustrial society, in which means of communication and means of transport were relatively slow.<sup>60</sup>

Rumours were especially important during elections, when they could change the outcome of the voting.<sup>61</sup> The *Commentariolum petitionis* suggested encouraging wild rumours about competitors during the elections.<sup>62</sup> These could circulate quickly and ruin the chances of a candidate, as Publius Scipio Nasica realised when he was canvassing for the curule aedileship. Shaking hands with the crowd, as was the custom, he encountered a citizen who worked in the fields. His calloused hands prompted Scipio to ask, as a joke, whether he used to walk on his hands. 'Bystanders caught the remark and it spread to the public and caused Scipio's defeat. For all the rustic tribes thought he had taunted them about their poverty and vented their anger against his insulting

<sup>55</sup> 'Imperfect information' stems from game theory, and describes a situation characterised by the lack of information concerning key data. 'Asymmetric information', an analogous concept, describes the situation when one party knows more than the other. See Fundenberg 1998.

<sup>56</sup> App. BC. 1.15. <sup>57</sup> Cic. Phil. 14.14–16. <sup>58</sup> Cic. 10.12.3. <sup>59</sup> D.C. 41.6.5–6.

<sup>60</sup> On transportation, see Yeo 1946: 221–244, on sea transport; Meijer and van Nijf 1992; Laurence 1998: 129ff; Morley 1996: 65; Beresford 2012.

<sup>61</sup> Cic. Mur. 35, 45. <sup>62</sup> Comm pet. 52–53.

wit.<sup>63</sup> The timeline of the anecdote is unknown: that is, how much time passed between Scipio's remark and the day of the elections. However, rumours were effective enough, and circulated sufficiently widely, to cost him election to the magistracy.

Rumours could also be used artfully to defeat opponents. During his political fight against Mark Antony, Cicero stated that it was not only the policies that he proposed that would be helpful in deterring his rival but also the *rumor* and *fama* that they would generate.<sup>64</sup> While Pompey was still in the East, there were rumours about him marching into the city of Rome with the army and becoming king. His political opponent Crassus fuelled this talk and worsened Pompey's reputation by leaving the city with his children and money.<sup>65</sup> Cicero could not create an unfavourable and contrary opinion amongst the plebs against Clodius, because he lacked the means to convey it. Meanwhile, his rival could, and did so, ensuring Cicero's disgrace and exile.<sup>66</sup>

When was a rumour rampant? First of all, four conditions must be met: an interesting but ambiguous event; a greater demand than supply of news; people reluctant to act; and the group acting collectively. These four conditions, then, are usually met under three circumstances: firstly, when information is strictly controlled; secondly, in case of a scandal or disaster; thirdly, during moments of boredom (minor events). Shibutani tried to quantify the scale of rumours by the formula  $R = i \times a$ ,  $R$  representing the rumour,  $i$  being its importance, and  $a$  being its ambiguity.<sup>67</sup> Thus, the scale and importance of a rumour would be related to its significance in the political world, and would be fostered by its ambiguity.

Not all rumours originated or circulated within the elite. Sources allude to rumours that travelled in a bottom-up movement, which originated with the people and reached the elite, causing a reaction.<sup>68</sup> A *quaestio* was convoked to investigate the supposed bribing by Jugurtha of several Roman magistrates because of the rumours of the plebs, despite the active opposition of most of the Senate.<sup>69</sup> When defending himself from the accusation of not having criticised the consuls of 57 BC, Cicero stated his position clearly:

<sup>63</sup> Val. Max. 7.5.2: 'quod dictum a circumstantibus exceptum ad populum manavit causamque repulsae Scipioni attulit: omnes namque rusticae tribus paupertatem sibi ab eo exprobratam iudicantes iram suam aduersus contumeliosam eius urbanitatem destrinxerunt'.

<sup>64</sup> Cic. Phil. 5.32. <sup>65</sup> Plut. Pomp. 43.1. <sup>66</sup> See Pina Polo 2010: 82–86. <sup>67</sup> Shibutani 1966.

<sup>68</sup> On popular gossip and rumours as accommodation rather than opposition and as negotiation between the official and dominant culture and popular culture, see Ramos 2000: 888ff.

<sup>69</sup> Sal. Bl. 40.5.

And what were the opinions that I delivered? In the first place, that which the common conversation of the people had already previously fixed in our minds; in the second place, that which had been discussed in the senate on the preceding days; and thirdly, that which the Senate in a very full house adopted, expressing its agreement with me.<sup>70</sup>

When faced with the daunting task of somehow justifying the conviction of several judges from the previous trial in the Cluentius affair, Cicero alleged that they had been punished to please the people and their rumours.<sup>71</sup> Sometimes, there were two parallel rumours, stemming from the people and the elite. In 59 BC, Cicero wondered about the consuls of the following year, unsure whether the candidates favoured by popular rumours (*populi sermo*), that is, Pompey and Crassus, would be elected, or those whom his correspondents mentioned, Servius Sulpicius and Gabinius.<sup>72</sup> In fact, of the four prospective consuls, only Gabinius was voted into office.

The pressure the Roman people could place on a politician through rumour was far from contemptible. In 63 BC, when Cicero had what he considered enough proof to accuse Catiline of a plan to murder him, he addressed the Senate on 8th November, with the objective of making Catiline leave the city.<sup>73</sup> Cicero interpreted the silence of the senators about the accusations as proof that the latter were not going to defend him, thereby tacitly accusing him as well.<sup>74</sup> Nevertheless, Cicero did not charge Catiline of being a public enemy; he assumed it, and attacked him according to this premise.<sup>75</sup> The consul apparently achieved his objective: Catiline left the city, but many of his followers stayed in Rome.<sup>76</sup> Strange rumours began to circulate among the people about Catiline's destination: Cicero maintained that he had joined his troops. Nevertheless, people commented in Rome that he had had to exile himself in Massalia; this would imply that there was no such conspiracy, since the latter would not be the destination chosen by an exile wanting to return to power.<sup>77</sup>

<sup>70</sup> Cic. Dom. 9: 'At quam sententiam dixi? Primum eam quam populi sermo in animis nostris iam ante defixerat, deinde eam quae erat superioribus diebus agitata in senatu, denique eam quam senatus frequens tum cum mihi est adsensus secutus est'.

<sup>71</sup> Cic. Cluent. 126, 131. <sup>72</sup> Cic. Att. 2.52.

<sup>73</sup> This objective had been debated. See Batstone 1994: 211–216; *ibid.*, 223–224, discusses whether the speech took place on 7th or 8th. Hardy 1917: 185–218.

<sup>74</sup> Cic. Cat. 1.21. <sup>75</sup> Cic. Cat. 1.1. See Batstone 1994: 215.

<sup>76</sup> It could be discussed whether Catiline left the city compelled by the speech before the Senate (Seager) or according to his own plans (Gruen; references in Batstone 1994: 215).

<sup>77</sup> Kelly 2006: 109.

We should also point out that there are no instances of Cicero addressing the people on the same day; thus, those rumours and gossip took as their basis the oral reports from the senators that assisted the meeting. They grew so much that on the following day, 9th November, Cicero felt compelled to deliver a speech before the people to calm them down. The second objective of the speech was to refute rumours that stated that Catiline had had to flee to Massalia due to political intrigue against him, and without him having been put to trial. These rumours were possibly distributed to the right channels by Catiline's supporters. Facing him before the Senate, in the first speech, the consul goaded him to leave, with the following ironic words: 'If you want to make me, your enemy as you call me, unpopular, go straight into banishment. I shall scarcely be able to endure all that will be said (*sermones hominum*) if you do so; I shall scarcely be able to support my load of unpopularity (*invidia*) if you do go into exile at the command of the consul.'<sup>78</sup> The *sermones hominum*, the rumours of the people, had circulated quickly in Rome, in only one day and had compelled the consul to justify his actions before the citizens.

Social networks, then, were crucial for linking oneself to information and, thus, to making sense of rumours and public opinion. Clients were crucial in circulating them, especially in the moment of the morning *salutatio*.<sup>79</sup> Laurence has argued that these networks were changed radically by Clodius, who in 58 BC used the *collegia* to spread opinions and to mobilise the citizens.<sup>80</sup>

Understanding contradictory and diverse rumours was a complex affair. In the uncertain days at the beginning of the year 49 BC, when civil war broke out, Cicero informed Atticus, who was in Rome, of the talk in the towns around Rome, in Campania:

on the other hand, to judge from the indignation in the towns and the talk of my acquaintances, it looks to me as if Pompey's flight would be a success. Here there is an extraordinary outcry (whether in Rome also, I do not know: please tell me) at the city being left without magistrates and without the Senate. In fact Pompey's flight has made a marvellous stir.<sup>81</sup>

<sup>78</sup> Cic. Cat. 1.23: 'si mihi inimico, ut praedicas, tuo conflare vis invidiam, recta perge in exilium; vix feram sermones hominum, si id feceris, vix molem istius invidiae, si in exilium iussu consulis ieris, sustinebo'.

<sup>79</sup> Laurence 1994: 64–67. However, Pina Polo 2010: 79–80 points out that, as a client could have more than one patron (see Comm. pet. 35), this could result in 'complementary or contradictory information'.

<sup>80</sup> Laurence 1994: 68–71.

<sup>81</sup> Cic. Att. 7.11.4: 'Rursus autem ex dolore municipali sermonibusque eorum quos convenio videtur hoc consilium exitum habiturum. mira hominum querela est (nescio (an) istic, sed facies ut sciam) sine magistratibus urbem esse, sine senatu. fugiens denique Pompeius mirabiliter homines movet'.

Thus, we see the interplay of different opinions: Cicero, at first thought, did not agree with Pompey's decision to abandon the city of Rome with the Senate. However, he had had the impression that the elite of the nearby towns had been so shocked that the move could actually be fruitful. However, as he was uncertain about the same reaction in Rome, he asked Atticus for information about that, at the same time relaying the towns' comments to Rome, where they would be commented upon. Nevertheless, Cicero was aware that, being away from the city, his information was not complete, so he asked for clarification: 'Explain to me what it all means.'<sup>82</sup>

Cicero criticised dependence on rumours, a common attitude of Late Roman Republican politicians.<sup>83</sup> Nevertheless, this reproach was addressed to the social structure of the Roman political class: a small group, it was controlled by its peers from the inside, and by those on the outside through rumours and gossip. Despite this criticism, the Roman elite, as a ruling group, could not overlook rumours, since politicians risked being overtaken by the situation. Rumours shaped political actions the individual collective levels. After his consulship, Cicero decided to renounce his provincial governorship in Macedonia, and passed it to his colleague Antonius. It was rumoured that the clauses of the pact between the two included a division of profits; this rumour was probably fed by the news about the depredations carried out by Antonius in his province.<sup>84</sup> The falsehood of the accusations is not so clear since, in a contemporary letter to Atticus, Cicero complained about the slowness of someone named Teucris and that, due to this, he would have to go to Considius, Axius, or Selicius, three well-known money lenders.<sup>85</sup> It is possible that Teucris was a nickname for Antonius, or also possibly that of a middleman between Antonius and Cicero, perhaps Publius Sestius.<sup>86</sup> Guessing that he would be accused upon his return to Rome, Antonius asked his former colleague to defend him. Nevertheless, rumours about the involvement of the orator in the plunder of Macedonia prevented the latter from complying with Antonius' request, since he expected condemnation from both the *boni* and the people.<sup>87</sup> Rumours had become opinion (*existimatio*), further and more firmly extended; Cicero could not, and did not wish to, defend Antonius, in order to avoid further sully his image.<sup>88</sup> This case

<sup>82</sup> Cic. Att. 7.11.4: 'Haec tu mihi explica qualia sint'. <sup>83</sup> Cic. Sest. 115.

<sup>84</sup> Cic. Att. 1.12.1. On consuls and praetors who declined a province after their magistracy, see Blösel 2016.

<sup>85</sup> Cic. Att. 1.12.1–2. <sup>86</sup> See Shackleton Bailey 1965: 297. <sup>87</sup> Cic. Att. 1.12.1.

<sup>88</sup> On the meanings of *existimatio*, see p. 7.

represents a clear example of the use of rumours and gossip as a way to control the group's morality. Even though many Roman senators came back from their provincial governments enriched, this generalized behaviour was not morally approved.<sup>89</sup> Furthermore, the pact between Cicero and Antonius to share benefits was condemned by their peers; this encouraged Cicero not to defend his colleague, and to stay away from him. Rumours and gossip controlled and censored the actions of the members of the political aristocracy.

### 3.2 Circulation of Rumours Outside Rome

Not all rumours were restricted to the city of Rome. Were the inhabitants outside Rome interested in the rumours that arrived from the capital? An affirmative answer would attest to the interest of the provinces or Italy in Roman politics.

In the first place, rumours travelled on foot, in a chariot, or by horse (in Italy), or even by boat (in the provinces of the Mediterranean). The dates of some letters from Cicero and other internal references have allowed scholars to determine the speed at which these missives were transported. This also depended on the trustworthiness of the carrier, and the means at his disposal. During the civil war, a letter from Formiae (where one of Cicero's *villae* was located) to Rome could arrive in forty-eight hours, even though other letters could take three or more days.<sup>90</sup> In exceptional cases, distances could be shorter: in 80 BC, Cicero defended Sextus Roscius, accused of parricide. The night of the murder a messenger rode from Rome to Ameria to deliver the news; he travelled 56 miles in ten hours, changing his *cisium*, a light chariot of two wheels.<sup>91</sup>

Rumours usually travelled from mouth to ear, a much slower medium but one that allowed their expansion into a wider territory. Taking into account the absence of a public postal service, those who were not members of the elite had to trust someone who would make the trip to send messages to others. Some flows of the rural population to Rome were regular, such as those linked to markets: the *nundinae*, for instance, took place in the city every eight days, and connected Rome with the countryside; producers from nearby towns gathered there with their products, and circulated news in both directions.<sup>92</sup> Other less frequent occasions, such as censuses, drew

<sup>89</sup> See Rosillo-López 2010: 143–154.

<sup>90</sup> See Bayet 1967: 20; this allows the dating of the letter Cic. Att. 7.7. E.g. Att. 8.14.2 (three days).

<sup>91</sup> Cic. Sex. Rosc. Amer. 19.

<sup>92</sup> On these markets, De Ligt 1993: 51ff; 78–88; 128–129; Morley 1996; 2000.

a great number of people.<sup>93</sup> Finally, great political events could attract people like magnets: the sumptuous funerals organised by the two sons of the general Aemilius Paullus brought together a great number of people, ready not only to honour the deceased but also to attend the spectacles, among which there were two works by Terence (*Hecyra* y *Adelphoe*).<sup>94</sup>

Interestingly, sources mention several times that, in certain cases, rumours could travel faster than messengers.<sup>95</sup> Cicero announced to Atticus that his brother Quintus had got Asia as a province, a fact that had probably reached his friend, he assumed, more quickly through rumour than through the letters he received.<sup>96</sup> When he related the details of his return from exile in a letter, Cicero clarified: 'Though I suppose you have had all the news from your family or from messengers and rumour, . . .'.<sup>97</sup> Talking about one of the Roman defeats against Mithridates, and wanting to present it as a complete disaster, Cicero stated tendentiously that: 'It was so great that it came to Lucius Lucullus' ears, not by means of a messenger dispatched from the scene of action, but through the report of common conversation.'<sup>98</sup> In 189 BC, a rumour circulated that the general Lucius Scipio and his brother Publius Africanus had been captured and that the Roman forces had suffered a crushing defeat: 'Then a report of the transactions in Asia spread vaguely without an author; and a few days after, certain information, and a letter from the general, arrived at Rome; which occasioned joy after recent fears.'<sup>99</sup> Thus, again, rumours arrived at Rome in advance of official and more trustworthy news, probably carried by merchants or travellers, whose popular status made them unreliable in the eyes of the Roman senators.

Rumours could be geographically localised. Excluding Rome, Cicero's letters mentioned rumours mainly in connection with the bay of Naples, especially Puteoli and the cities of Naples and Cumae. In the first place, the port of Puteoli was more likely to receive news by sea, a quicker means of travel. During the trial against Rabirius Postumus, Cicero admitted that

<sup>93</sup> Ev. Luc. 2.1–4.    <sup>94</sup> Diod. 31.25; Ter. Hec. 33–36; Pol. 31.28.5–6.

<sup>95</sup> Bettini 2008: 353–356 on *fama*, and divine intervention causing the quick spread of news. Dunstan 1982 proposes the use of the epidemic model as a model for the spread of rumours; Fan, Poonen, and Poonen 1997 on a mathematical attempt to elucidate how fast gossips can learn news; Sommerfeld et alii 2008 on how multiple gossip statements direct towards cooperation.

<sup>96</sup> Cic. Att. 1.15.1.

<sup>97</sup> Cic. Att. 4.1.4: 'Nunc etsi omnia aut scripta esse a tuis arbitror aut etiam nuntiis ac rumore perlata'.

<sup>98</sup> Cic. Man. 25: 'Praeterire me nostram calamitatem, quae tanta fuit, ut eam ad auris [Luculli] imperatoris non ex proelio nuntius, sed ex sermone rumor adferret'.

<sup>99</sup> Liv. 37.51.8: 'Fama deinde rebus in Asia gestis temere uulgata sine auctore, et post dies paucos nuntii certi litteraeque imperatoris Romam adlatæ, quæ non tantum gaudium ab recenti metu attulerunt'.

rumour had it that the accused had not come back empty-handed from Egypt. Such news had come from Puteoli, where Rabirius Postumus' ships had docked. The Roman people even knew the contents of the charge, composed of Egyptian products, such as paper, linen and glass. Cicero attributed these rumours to people who hated Rabirius and, detailing a possible and precise origin, to the very crew of the ships.<sup>100</sup> The information travelled to Rome, so these rumours or gossip (*sermone*s) were everywhere. This reference indicated that rumours travelled not only in space but also in time: the rumour about Rabirius lasted for at least that summer.

After Delos became a free port in 166 BC, Puteoli became one of the main ports of Rome, at least until the third century AD; it surpassed Naples due to its closeness to the Appian Way in Cumae.<sup>101</sup> It was located in the bay of Naples, the Italian region where the Roman elite had owned *villae* since the end of the second century BC.<sup>102</sup> Cicero called Puteoli *illa pusilla Roma*, that little Rome, due to the numbers of the elite that could be found there.<sup>103</sup> This duality of Puteoli suggests two things: first of all, that rumours coming from outside the Italian frontiers entered through the port. Secondly, that gossip travelled in, and with, the letters that the Roman elite sent to kinsmen and friends, and with the elite themselves. Thus, Puteoli became a centre for the reception and distribution of information. In April 55 BC, Cicero informed Atticus about the *magnus* rumour about the restoration of King Ptolemy to his throne in Egypt by Gabinius. The news probably had arrived on the ships coming from Alexandria; even so, Cicero was not convinced of its veracity, and asked his friend for more reliable news.<sup>104</sup>

In a previous letter, Cicero transmitted to Atticus the rumours that circulated in Naples, 12 kilometres away from Puteoli, about the supposed tribunician veto of the census.<sup>105</sup> The Campanian region in general, where Cumae, Puteoli, and Naples were located, was pointed out as a redistributive centre of rumours.

Some rumours were even circumscribed to that part of Italy, and did not travel to Rome, since they were regional rumours. It is an interesting feature, because traditionally the city has been thought of as the epicentre of rumour, which would expand towards Italy and the provinces in concentric circles. In a letter to Cicero, Caelius informed him about the latest

<sup>100</sup> Cic. Rab. Post. 40. See more details in pp. 214–217. <sup>101</sup> See Frederiksen 1984: 319–349.

<sup>102</sup> D'Arms 1970: 15–78. <sup>103</sup> Cic. Att. 5.2.2. <sup>104</sup> Cic. Att. 4.10.1. <sup>105</sup> Cic. Att. 4.9.1.



gossip about the Transpadane matter (May 51 BC).<sup>106</sup> Even today, it is difficult to find a clear view of this case due to the contradictory ancient *testimonia*. The Transpadani had Latin citizenship, and Caesar wanted to make them Roman citizens, which would finally happen in 49 BC, to put them on the same footing as the other group of Cisalpine Gauls, the Cispadani, who had been Roman citizens since 89 BC.<sup>107</sup> Conservative Roman opinion was angered at hearing of Caesar's founding of the Roman colony of *Novum Comum*; the consul Marcellus whipped a member of the municipal Senate of this colony, thus negating the latter's status as a Roman citizen.<sup>108</sup> In May 51 BC, Cicero crossed this region, and wrote to Atticus from Trebulanus; in his letter, he pointed out: 'I beg you to write to me what reports there are on the political situation. In the country towns I notice there is much panic: but a great deal is nonsense. Please let me know your opinion about this and the date of the impending crisis.'<sup>109</sup> The fear that Cicero detected in the cities of Campania was probably provoked by the rumours about the conferring of Roman citizenship on the Transpadani by Caesar.<sup>110</sup> The date of the rumour is noteworthy, because it implied its quick mutability. The rumours that Caelius reported to Cicero should be put in this context: 'For those rumours about the *comitia* of the Transpadani were rife enough, until I got as far as Cumae; when I reached Rome, I never heard the slightest whisper about it.'<sup>111</sup> Why did Caelius mention Cumae as the limit to which rumours had reached? There could be many reasons: probably some senators who lodged in this region received a letter from Caesar's entourage in Gaul. If it had come from the *optimates'* circles, these rumours would be known in Rome. Having arrived at Rome, Caelius would probably have circulated them to others within his political circles, thus guaranteeing their diffusion.

A graffito from Teracina, halfway between Rome and Campania, represented another example of the transmission of news from Rome. The text expressed the happiness of the author about the murder of

<sup>106</sup> Cic. Fam. 8. 1, 2–3.

<sup>107</sup> Suet. DI. 8. Williams 2001: 100–140 suggests that the concession of citizenship to the Transpadani implied the inclusion of Cisalpine Gaul inside Italy and its frontiers. At that time, the northern frontier fluctuated, and it was discussed whether it should be located in the Apennines or in the Alps.

<sup>108</sup> Suet. DI. 28; Cic. Fam. 8.2.2.

<sup>109</sup> Cic. Att. 5.3.1: 'qui de re publica rumores scribe, quaeso; in oppidis enim summum video timorem sed multa inania. quid de his cogites et quando scire velim'.

<sup>110</sup> Budé's edition points out that it could also be a mention of the extension of Caesar's commandment in Gaul (and thus, the enquiry about the date).

<sup>111</sup> Cic. Fam. 8.1.2: 'nam et illi rumores de comitiis Transpadanorum Cumarum tenuis caluerunt; Romam cum venissem, ne tenuissimam quidem auditionem de ea re accipi'.

Clodius.<sup>112</sup> Cicero, in his speech in support of Milo, highlighted the speed with which the news about the death of the former tribune circulated to the countryside.<sup>113</sup>

During Caesar's consulship in 59 BC, Cicero, discouraged by the political situation, retired to one of his *villae* in the countryside. On 23 April, he wrote to Atticus an interesting letter, in which he set the non-existent gossip of the city against the frankness of the countryside, which was booming with rumours.<sup>114</sup> Cicero's statement is not completely reliable. Gossip did circulate in Rome that year: Cicero thanked Atticus for the variety of rumours, gossip, and opinions (*varietas sermonum opinionumque*) that the latter transmitted to him in his missives.<sup>115</sup> In fact, gossip and political conversations even grew stronger before what Cicero considered to be an adverse political situation.<sup>116</sup> This latest statement differed subtly from the supposed silence that he evoked at the beginning of the month (or perhaps gossip had progressed). Furthermore, in moments of political instability or crisis, the circulation of rumours, gossip, and ideas often increased. These cases showed how the mechanisms of the geographical transmission of rumours worked.

There are also mentions of the long-distance circulation of rumours, in this case between Rome and Asia. During the trial of Lucius Flaccus (59 BC), governor of the province two years earlier, a rumour circulated around Asia that Pompey, Flaccus' sworn enemy, had pressed for his accusation and had put all his resources and influences at the accusers' disposal.<sup>117</sup> It could have been a rumour that circulated in Rome, and that Cicero projected into Asia to give the impression that the inhabitants of that province supported Flaccus. Alternatively, it could actually have been an Asiatic rumour, which Cicero mentioned in Rome. This rumour could have had many channels of circulation, such as the members of the embassies from Asia that came to the trial or even through Roman merchants, who represented a sizeable group in that province.<sup>118</sup> A third possibility would imply that that rumour did not exist, and that Cicero invented it to influence the opinion of the judges. Cicero would have presented the accusation against Flaccus as an attack against himself; in the year of his consulship, Flaccus helped actively to repress the conspiracy of Catiline. He took part in the action on the Milvian Bridge, the night that the Allobroges were arrested, and the letters that precipitated the detentions and the repression of the conspiracy were discovered.

<sup>112</sup> CIL I<sup>2</sup> 3109a: 'Publi progenies, Appi cognomine Pulchri, / occubuit letum'. See Solin 1981: 357–358; Tatum 1990: 301–303; Cugusi 2000.

<sup>113</sup> Cic. Mil. 98.

<sup>114</sup> Cic. Att. 2.13.2.

<sup>115</sup> Cic. Att. 2.15.1.

<sup>116</sup> Cic. Att. 2.18.2.

<sup>117</sup> Cic. Flacc. 14.

<sup>118</sup> On the *negotiatores* in Asia, see Hatzfeld 1919.

The rumour about Pompey, which perhaps alluded to Caesar, would make sense in this context. Cicero used here one of the typical arguments of the Roman tribunals: that is, to move the judges to compassion because the accused had to face a powerful rival. Was there really such a rumour in Asia? Since no further details are available in the sources, it is hard to decide; nevertheless, it is possible that the solution comes from the combining of some of these hypotheses. Cicero was evidently using Pompey's name and the enumeration of the latter's powers (*auctoritas, gratia, copiae, opes*) to influence the jury in favour of Flaccus. At the same time, the province of Asia knew about the trial against its former governor: several Greek cities and provinces sent ambassadors in his favour.<sup>119</sup> The cities of Acmonia, Dorilea, Temnos and Tralles, though, reported during the trial the insults committed by Flaccus.<sup>120</sup> Thus, it is possible that the rumour was known in the province. Furthermore, the accusers had time to collect testimonies against Flaccus, which would have contributed to the subject being hot news. It would then have been talked about both in the province of Asia and in Rome.

The study of the circulation of the rumours and their geographical scope has allowed us to consider the question of whether the inhabitants of Italy were interested in the rumours and news coming from the city of Rome. This matter also involves the political cohesion of the territory. The link between Puteoli and Rome is well documented, because many Roman merchants had businesses in the port. The rest of the rumours travelled within the Campanian region, where the Roman elite owned their *villae*. In 51 BC, Cicero stated that he had seen great fear in the *oppida*; nevertheless, he did not specify whether that fear came from the inhabitants of the town or from the municipal elites.<sup>121</sup> As we have seen, during the part of the consulship of Caesar that Cicero spent outside Rome, the latter commented on the impression that the news coming from the city left in Campania: 'In the countryside (*in agris*) nobody keeps quiet', he even told Atticus. Again, Cicero is imprecise about the sources of these comments.<sup>122</sup> Some months later he talked about 'Italian murmurs'. It is possible that, in peaceful moments, only the Italian elites showed interest in Roman politics. It was a group with which Cicero probably had relations. In moments of crisis, such as during the civil war, the inhabitants of Italian cities would

<sup>119</sup> Cic. Flacc. 62–63.

<sup>120</sup> Acmonia: Cic. Flacc. 34–38; Dorilea: Cic. Flacc. 39–41; Temnos: Cic. Flacc. 42–51; Tralles: Cic. Flacc. 52–59. On the dispute between the city of Tralles and Flaccus for the money of Flaccus' father, see Erkelenz 1999. On Flaccus' extortions, see Macrob. 2.1.13; Zehnacker 1979.

<sup>121</sup> Cic. Att. 5.3.1. <sup>122</sup> Cic. Att. 2.13.2: 'in agris non siletur'.

pay attention to rumours about the city of Rome, since they might imply the passage of an army through the region.

### 3.3 Rumours, Gossip and Social Discipline

Anthropologists such as Gluckman explain gossip as a means of social control of a group, and even of a group over an individual. Times of crisis are usually key moments to the study of this social discipline, since an individual has to define his position in respect to a group that could exert pressure to influence his decision. This conjuncture is frequently found in moments of armed conflict, in which politicians had to take one of the two sides. An interesting case happened during the civil war between Pompey and Caesar, during which the positioning was even physical: Pompey's departure from Italy after Caesar's advance meant that the senators had to decide whether or not to stay on the Italian peninsula.<sup>123</sup> Some senators, such as Cicero, did not have such a clear position, staying for the moment in Italy without, however, supporting the Caesarian party openly. Due to his hesitant attitude, Caesar even courted Cicero in order to win his support. Nevertheless, the *boni*, the political circle to which Cicero belonged, exerted pressure on him through rumours and gossip as a means of maintaining group control and social discipline.

Between 4th and 8th March 49 BC, three letters exchanged with Atticus reveal Cicero's doubts and, above all, the pressure of gossip (*sermones*) of the *optimates* about his political decisions, or better, his indecisions.<sup>124</sup> In the first letter, Cicero received news of such rumours through Philotimus, his wife Terentia's trusted freedman: 'He says that the *optimates* are tearing me to tatters.'<sup>125</sup> Immediately afterwards, Cicero criticised them for shifting at that moment towards Caesar. Nevertheless, he feared these rumours and gossip, channelled through his freedman. He used the Homeric phrase *aideomai Trôas*, 'I fear the Trojans', as a way of expressing his dread of the opinion of the group.<sup>126</sup> In this case, Cicero's source was rather trustworthy, since Philotimus was a declared Pompeian at that time, even though later, in 47 BC, he was found in Caesar's headquarters. Probably, one way or another, Philotimus had indirect access to Pompeian circles. This is not unlikely since, as we have seen, Romans knew that the reputation of a member of the

<sup>123</sup> D.C. 41.6.5–6. <sup>124</sup> Cic. Att. 8.16; 9.1.3; 9.2b; Plut. Caes. 33.5.

<sup>125</sup> Cic. Att. 8.16.1: 'is enim me ab optimatibus ait conscindi'.

<sup>126</sup> Il. 22.105 (Hector, cornered in the final battle against Achilles, states that he cannot go back to the city and suffer the reproaches and gossip of his fellow citizens). This expression, referring to fear of public opinion, had already been employed in Cic. Att. 2.5.

elite was transmitted to a great extent by the comments of his slaves and freedmen.<sup>127</sup>

In another letter of 6th March, Cicero told Atticus that he himself was badly criticised during dinners, probably by the *optimates*.<sup>128</sup> Two days later, Cicero was still obsessed with this matter: the information delivered by the freedman did not seem to him sufficiently trustworthy. He therefore asked Atticus to tell him what the *boni* thought about him, even though he remarked that he could not bear their gossip, their *sermones*.<sup>129</sup> Despite his strong criticism of the *optimates*, whom he accused of running towards Caesar and of staying in Rome, he felt deeply affected, even to the point of asking for news via two different sources: Terentia's freedman and Atticus.<sup>130</sup>

Cicero communicated these pressures and his uneasy position to many people. At the beginning of May 49 BC, he wrote to his friend Caelius: 'For I made no secret of Titus Ampius' comments, and you saw how I hated the idea of leaving Rome when I heard them.'<sup>131</sup> The man who criticised Cicero, Titus Ampius, had been praetor in 59 BC, the year of Caesar's consulship. He was a staunch Pompeian, to the point that the Caesarians nicknamed him *tuba belli civilis*, the trumpet of the civil war.<sup>132</sup> Ampius' criticism of Cicero followed the pressure exerted on him by the *boni*, with the aim of getting him to join the Pompeians properly, instead of remaining in an uncertain position.

The pressure of the opinion of the *boni* was eventually fruitful: that same year, Cicero decided to leave Italy and join Pompey's army. Nevertheless, the experience was not successful. After the defeat, disillusioned with the Pompeian cause (and especially with its leaders), Cicero returned to Italy in October 48 BC, and decided to beg for pardon. Atticus, who had remained in the city, was his main supporter before the new Roman power. In a letter of March 47 BC, Cicero answered his friend's question: what explanation are you going to offer to Caesar about your departure from Italy? The reply is revealing and very clear: 'I could not put up with people's talk, although I wanted to.'<sup>133</sup> It was not an excuse. As we have seen, the *boni* were alluded to in this mention of the *homines*. Cicero added that he had referred frequently to this situation in his letters to

<sup>127</sup> Com. Pet. 17; 49; Cic. QF. I.1.17.      <sup>128</sup> Cic. Att. 9.1.3.      <sup>129</sup> Cic. Att. 9.2b.3.

<sup>130</sup> Cic. Att. 9.1.2.

<sup>131</sup> Cic. Fam. 2.16.3: 'Non enim te celavi sermonem T. Ampii; vidisti quam abhorrerem ab Urbe relinquenda, cum audissem'.

<sup>132</sup> Cic. Fam. 6.12.3.

<sup>133</sup> Cic. Att. 11.12.1: 'non potuisse, cum cupissem, sermones hominum sustinere'.

Caesar and that he had even charged many people to let the victor of the civil war know. This explanation discharged Cicero from some of the guilt: it presented him as a person of weak character in the face of gossip. Nevertheless, this sentence highlights the success of group control of the *boni*, since Cicero did not see any way out other than to yield before gossip. It is also noteworthy that Cicero thought that Caesar would consider this explanation as valid, which implied that the victor of the war would have understood perfectly the pressures of the opinions of a close group.

The demands of the *boni* with the aim of maintaining control of the group did not end with the defeat of the Pompeian side. In 46 BC, Cicero's son told his father of his desire to leave for Caesar's camp in Hispania, as his cousin, Quintus' son, had done already. Cicero tried by every means to avoid the departure of his offspring. Among other reasons, such as the superiority of his cousin in the Caesarian camp, Cicero admitted that he did not fear gossip, but the *vituperatio*: reproaches or censure. He even wrote to Atticus about two examples of these supposed recriminations: 'Was it not enough that we abandoned our weapons? Must we side with the enemy?'<sup>134</sup> It was the *boni*, again, who tried to maintain the cohesion of the group when the last Pompeians, led by the elder son of Pompey, fought in Hispania.

Criticism of Cicero was stronger because he had recently uttered similar recriminations towards Sulpicius Rufus about the behaviour of his son. Servius Sulpicius Rufus, a renowned jurist, followed a similar line of conduct during the civil war, and did not define himself at the beginning as belonging to one side or another; it was easier for him since he had no lictors or magistracy. He finally chose the Pompeian side, which he later abandoned. He achieved the pardon of Caesar in 46 BC, and was named governor of Achaia. Cicero criticised Sulpicius Rufus openly for having sent his son to serve with Caesar's army. When his own son wanted to fight on that side, Cicero was aware that this time there would be no mere gossip (*sermones*), but reproaches (*vituperationes*). Group control was exerted even by the same members that suffered it, as this case shows.

This analysis of the sources has demonstrated that Gluckman's and Paine's anthropological theories could explain and be applied to Late Republican Rome. Gossip was not, and is not, idle and futile chatter; it serves, among other things, to control the members of the group, and to maintain the latter's cohesion. When Cicero demanded from Atticus news about what the *optimates* said about him, he did not do so merely

<sup>134</sup> Cic. Att. 12.7.1: 'non satis esse si haec arma reliquissimus? etiam contraria?'

out of the desire to know. He was being discredited by the members of his own group through gossip. He tried to defend himself by accusing them of collaboration with Caesar, but this was in vain: 'I fear the Trojans', that is, he dreaded public opinion and what it would say about him. This fear was natural in the bosom of the Roman political elite and much more so in Cicero's case because, as a *homo novus*, he had no prestigious forefather. Only his own *fama*, his own actions, counted when he wanted to highlight his prestige. Gossip and rumour, especially from members of his own political circle, discredited him before the population or, at least, before the rest of the senators. This study has shown that the pressure of the opinions of a group, exerted by members over other members through gossip, could influence personal decisions of a political nature. It was not just an accessory element, but a useful means to maintain cohesion, and even control, within a group, particularly in moments of crisis.

In sum, public opinion could be negotiated in the Senate or in the *contiones*, but it was developed and transmitted in more informal settings and during socialising activities. Discussions in these spaces were necessary for the everyday functioning of Roman politics, which used rumours, gossip and elite or popular public opinion. Spaces of sociability varied according to the social class of the citizen. The Senate was a space for exchanging elite public opinion, as were dinners. *Contiones* could be extremely organised and were sometimes more of a display of public opinion than an actual exchange. Nevertheless, informal exchanges of public opinion were needed: at dinners for the elite; and in streets and probably in taverns for the people.

Social networks are fundamental for spreading rumours, since they accelerate their diffusion. Rumours are pieces of information. Furthermore, the truth of a rumour is not usually taken into account; even if people believe it as false, they will usually pass it on anyway. In fact, rumour leads to an agreement, since the process of a rumour usually eliminates at the beginning the most implausible explanations. The more a rumour circulates, the more veracity it will have, since people may compare and eliminate untrue versions. *Sermo*, a more informal type of talk, was also frequently associated with social control, which made it potentially important for politicians. All these conversations, rumours and gossip not only entailed peer control but also bottom-up control.

Rumours construct public opinion. News or facts are discussed and commented upon and part of the discussion relies on what is thought or felt about it, thus creating different interpretations of the news and, thus,

opinions that we want to believe.<sup>135</sup> When gossip is not true, it is a mirror of the attitudes of a social group and its conception of the world.<sup>136</sup> Rumours, as non-official sources of news, also allow the circumvention of formal and informal constraints on the topics discussed. They allow into public discussion issues that are rarely mentioned explicitly by political customs.<sup>137</sup>

<sup>135</sup> Kapferer 1987: 59–61; 99–102.

<sup>136</sup> Wickham 1998: 11–12.

<sup>137</sup> Kapferer 1987: 246.



*Political Literature and Public Opinion (I)*  
*Defining Political Literature*

When Dio Cassius described Caesar's rule in 45 and 44 BC, he paid attention to those who benefited from the new political situation and those who did not. On the latter, the historian added that many of them complained in conversations and through anonymous pamphlets.<sup>1</sup> Criticism of Caesar, probably the most castigated politician attested in the Late Republic, had been rampant in the previous decades, and took the form of graffiti, pamphlets, verses and popular songs (cf. p. 126). This was not an exceptional case, but a testimony of the habitual proliferation of diverse types of political literature. Quintus Cicero wrote verses against a judicial law. Graffiti commenting on political issues were carved on the walls. Sallust and two freedmen of Pompey engaged in fierce written diatribes over the memory of the late general. Licinius Calvus and Catullus wrote scandalous critiques against some politicians. Pamphlets were read and circulated. Obscene verses were sung to Clodius' face about his incest with his sister. Speeches of praise and blame were delivered in the Forum. The evidence for such works clustered for the 50s and 40s, but it is not absent from previous periods. Issues of authorship, theme, preservation and the civil wars, which scattered politicians across Roman dominions and beyond, determined the survival of more works from certain periods than from others (cf. *infra*). As we shall see in the following two chapters, this kind of literature played an important role in the creation and transmission of public opinion, with writing having a relevant part in it.

This chapter proposes that in order to understand the circulation of public opinion, it would be advisable to group all literary production connected to it under the category of 'political literature'. This concept aims to regroup works that have been studied and analysed separately because of their different chronology and physical media, but that in fact

<sup>1</sup> D.C. 43.47.6.

share many common features, and a common objective: to circulate public opinion. It would be wrong to focus on technological determinism, that is, to establish categories regarding the medium of the text. Written public opinion could and did take many forms: it could be a poem, a graffito, a speech in court or in a *contio*, a pamphlet, or even a popular verse, which stood in a borderline category between oral and written.<sup>2</sup>

Immediacy is the first characteristic of political literature: the writing should be relevant to the current political situation. For instance, a speech by Cicero, whose intention was to have an impact right at that moment, could be included in this category. Secondly, the content of the work was not restricted to criticism, as praise was also an expression of public opinion. Thus, both *laudatio* and *vituperatio* featured in political literature.

Thirdly, these works should have a clear objective in mind: in one way or another, their authors intended the works to participate in the situations that they were describing or praising or blaming, thus attempting to influence public opinion. They therefore formed an active element of Roman politics. A literary work could even stand for a person's opinion in his absence, highlighting its use as a political weapon. As we shall see, after the Catilinarian conspiracy was crushed, the tribune of the plebs Metellus Nepos and others accused the Senate of condemning Roman citizens to death without trial. In this troubled situation, Metellus Nepos decided to disappear physically from the political scene, but not to abandon it completely, as he left his voice and opinions in the form of writings.<sup>3</sup> His political literature was intended to cover his absence and influence opinion even though he was not physically in the Forum. In 59 BC, the consul Bibulus retired to his house for months, but submitted writings and edicts to the Roman public.<sup>4</sup>

Fourthly, the work should circulate widely. As we shall see, conditions of publication in the ancient world were very different from our own. In the fifth place, it was not necessary to know the identity of the author. He could be well known or completely unknown; he could belong to the elite or to a lower social class, such as that of freedmen. As long as the prerequisites were fulfilled, identity was not a problem. In fact, the nature of some of the writings, especially those that were highly controversial or which could prove a risk, would justify completely their distribution anonymously and, even years later, utter denial by their authors.

<sup>2</sup> Eich 2000 has used the term 'politische Literatur' but with a different meaning.

<sup>3</sup> D.C. 37.43.2.    <sup>4</sup> Cic. Att. 2.20.4; 21.4.

There is a final characteristic that sets political literature apart from other kinds of oral communication, like rumours: the literary form and intention, the working of a text with the intention not only of transmitting a piece of information but also of taking certain care with the language. The variation in the attention paid to the language is, of course, immense, from a graffito which may present a pun to a carefully composed tract full of invective.

Writings that complied with these six requisites could therefore be labelled under the category of 'political literature'. Taking into account these premises, the usual denominations of 'pamphlets' or 'propaganda' could not be employed, even though these terms have been used widely by historiography.<sup>5</sup> Pamphlets were just one of the ways in which public opinion was written. 'To write propaganda' is one of those irregular phrases which is applied as a pejorative term only to the writings of one's enemies, never to one's own works. Invective always carries the connotation of attack and blame, even though, as we shall see, political literature could also contain works of praise. Thus, 'political literature' as a category would include works in prose or verse, on various physical media, whose language had been elaborated and constructed, and would refer to the political current situation, being circulated with the aim of creating or influencing public opinion. This new category would allow the grouping of works throughout the study of literature: for example, one of Cicero's speeches, a pamphlet by a Sicilian sailor, a poem by Lucilius or Catullus, a verse in the street, or a graffito on a wall in the Forum.

One of the problems involved in analysing political literature relates to its dispersed and fragmentary nature. Many works were preserved as scattered mentions in other pieces of literature. Furthermore, those that have actually been preserved throughout the centuries have been so in contradiction of the first trait of political literature: immediacy. They survived for various reasons. For instance, Dellius' racy letters to Queen Cleopatra were in circulation even a century later, according to Seneca, but their trace is lost from that point onwards.<sup>6</sup> Works that criticised or praised Caesar were also likely to be preserved, since they provided interesting

<sup>5</sup> E.g. Syme 1939: 116–120, 154ff, 251ff, 270ff used freely the word 'propaganda'; Taylor 1949: 142–148, 171 named them 'political pamphlets' or 'propaganda'; Jeffreys 1974 called some of them 'political verse'.

<sup>6</sup> Sen. Suas. 1.7 ('epistulae ad Cleopatram lascivae'). On Cleopatra's later image, see Becher 1966. Dellius' works served as source for Plutarch's account of these years, especially on the Parthian War (e.g. Plut. Ant. 25.2; Osgood 2006: 304–305). Dellius deserted to Octavian on the eve of Actium (Sen. Suas. 1.7).

material to biographers in Imperial times. Their subjects were titillating and their contents still appealed to the readers, even after their political context had waned. If the subject was still interesting even after the protagonists had been dead for decades or centuries, they might be recopied. Immediacy thus ensured that most works were lost.

A second reason for their survival was related to the question of authorship: if the author was well known, his works would probably be recopied, even though their content was not particularly relevant. The *Commentariolum petitionis* would probably not have survived had it not been related to Cicero.<sup>7</sup> Cicero's and Caesar's writings for and against Cato were recopied and read centuries later, as Plutarch stated: 'Both treatises have many eager readers, as much on account of Caesar as of Cato.'<sup>8</sup> Meanwhile, Brutus' and Hirtius' works on the same topic, of lesser literary quality and by less well-known authors, were forgotten. Other examples show a preference for distinguished writers over politicians: after Cicero delivered his acrimonious and bitter attack against Calpurnius Piso (the preserved speech *In Pisonem*), the latter responded by writing a pamphlet against the aggressor, which has not been preserved.<sup>9</sup> The character and immediacy of these texts are confirmed by the fact that Cicero's *In Pisonem* survived because of his oratorical skills and fame, whereas Piso's writings were not considered important enough to be recopied after a certain point in time. Active engagement in this process was also crucial: Cicero prepared his speeches for publication, and Tiro ensured that this happened after the former's death.

Finally, as literature for immediate consumption, their references were short-lived, and after their moment had passed, they would only be appreciated for their rhetorical skills. Thus, some pamphlets were just mentioned in rhetorical and grammarian works of later centuries for an unusual or rare use of a word. Only those that had some historical value would be appreciated by later historians, who used them and cheerfully detailed their contents: Suetonius frequently introduced them in his narrative, especially in his life of Caesar. Thus, he summarised T. Ampius Balbus' scandalous accusations against Caesar, using the latter's writings directly as a source.<sup>10</sup> Pliny employed a pamphlet by Metellus Scipio, which accused Cato the Younger of embezzlement, as a source for his

<sup>7</sup> Richardson 1971 discusses its authenticity, giving reasons for not considering it an Augustan pastiche; see David, Demougin, and Deniaux 1973 for the debate about its attribution to Quintus Cicero, the current preferred option.

<sup>8</sup> Plut. Caes. 54.2–3.      <sup>9</sup> Cic. QF. 3.1.11; Asc. 2Clark; see Nisbet 1961: 199–202; Gozzoli 1990.

<sup>10</sup> Suet. DI. 77. See Morgan 1997: 23–24.

description of the treasuries of the royal family of Cyprus.<sup>11</sup> Few writers questioned their veracity or the absence of objectivity. Pliny the Elder, who nevertheless used them occasionally, cautioned against their indiscriminate use. For instance, he argued that Asinius Pollio's infamous speeches against Plancus, who had been proscribed, were scandalous and condemned their uncritical use.<sup>12</sup>

This chapter is especially interested not only in the big stars of Roman politics but also in those less prominent figures who wrote pamphlets, letters, poems and all types of political literature, and whose work has somehow been preserved, even if frequently only their title remains. Catullus' poems exemplify political literature in poetry in the first century BC; regardless of his well-earned fame and outstanding literary qualities, and from the point of view of Roman political life, C. Trebonius' verses against Caesar are equally interesting.

#### 4.1 Authorship

Knowledge of the identity of the author does not represent one of the requisites for a work to be considered 'political literature'. As has been stated, during the Roman Republic some sentences were carried out against oral public opinion, especially for injuries uttered in the theatre. The poet Accius won a case against a mime on these grounds, while Lucilius lost his. Nevertheless, no sources mention legal repression of written works, and legal sources have not preserved memories or even instances of failed prosecutions for infamy or other grounds related to political literature. All the great players of the Republic were viciously attacked, and their attackers were not punished.<sup>13</sup> Caesar bore furious slander from Catullus and Licinius Calvus because, as seems to have been the mindset of the time, it was part of the political game. Rhetoric, for instance, employed slander as a common rhetorical tool in courts.<sup>14</sup> In theory, fear of prosecution could not therefore be considered as one of the reasons for resorting to anonymous publication.

Even if it was part of the game, troubled times and adversaries with too much power pushed the balance towards anonymous authorship. In recent decades, Roman politics has ceased to be considered as based around static family networks, but rather around dynamic and rapidly changing political

<sup>11</sup> Plin. NH. 34.92. About the invective: Plut. Cat. 57.3. See Geiger 1979: 55.

<sup>12</sup> Plin. NH. 1. praef. 31. See André 1949: 83–85; Morgan 2000; Wright 2002; Osgood 2006: 77.

<sup>13</sup> See pp. 30–41. <sup>14</sup> See Pina Polo 1991; Edwards 1993; Corbeill 1996.

alliances based on individual interests.<sup>15</sup> Surviving politically without the burden of previous political writings could be counted as an advantage. However, it would mean giving up the benefits of political literature: influencing public opinion from afar or reaching people beyond a *contio*; but it also meant giving up the dangers of being dependent on one's earlier ideas, positions, stances, or alliances.

Some works could become political embarrassments years later, when the situation had changed and political allegiances and interests had shifted. In that case, one's past ideas could hang around a politician's neck like deadweight. During the infamous Bona Dea process against Clodius, in 61 BC, Cicero published a pamphlet against the accused and his defender Curio *pater*, probably triggered by an *altercatio* in the Senate with Clodius.<sup>16</sup> The work criticised the latter, in an ironical tone, for his dress, his surprising acquittal in the trial, the bribery related to it, his indebtedness, his necessity of having a rich province to recover from the expenses, and his dealings with his creditors.<sup>17</sup> The *In Clodium et Curionem* was mostly an invective, specifically mentioned by Quintilian as such.<sup>18</sup> In 57 BC, Cicero was deeply embarrassed when somehow this work resurfaced and circulated publicly again. Times had changed: Cicero was in exile and needed Curio *pater*'s full support to be recalled to Rome.<sup>19</sup> In order to minimise the damage, he tried to hush up his *In Clodium et Curionem* and to prevent its further circulation. Furthermore, he contemplated telling everybody that it was a forgery and not actually one of his own works.<sup>20</sup> Interestingly, despite Cicero's efforts, the work continued to be recopied, since it reached at least the time of Quintilian, who read it and even quoted some excerpts, ensuring the survival of a few fragments.<sup>21</sup>

This case is not an exception. In 66 BC, Quintus Cicero apparently wrote some verses against the *lex Aurelia iudiciaria* during his campaign for the aedileship. That *lex* had been passed in 70 BC as an attempt to solve the thorny problem of the composition of the tribunals of the permanent

<sup>15</sup> For the classical interpretation of Roman politics based on family ties, see Münzer 1920. For rapidly shifting alliances, see Meier 1980: 174–190; Brunt 1988: 443–502.

<sup>16</sup> Crawford 1984: 106–110. No reference to Curio appears in the preserved fragments, but his name in the title attests his presence in it. On the Bona Dea affair and the trial, see Balsdon 1966; Moreau 1982. On the relationship between Curio *pater* and Cicero, see McDermott 1972; Tatum 1991. On Curio *pater* as an orator, see Rosillo-López 2013: 294–296.

<sup>17</sup> Crawford 1984: 231–232, with fragments on 239–244.

<sup>18</sup> Quint. Inst. 3.7.2; Geffcken 1973; Crawford 1984: 231.

<sup>19</sup> Cic. Att.1.14.5. Schol. Bob. 85–91. For Curio *pater*'s speech *Pro Clodio*, see Bardon 1952: 214–216.

<sup>20</sup> Cic. Att. 3.12.2.

<sup>21</sup> Excerpts: Quint. Inst. 8.3.81 (fragment 6); 5.10.92 (fragment 7); 9.2.26 (fragment 13); 8.6.56 (fragment 29). It is unknown who decided to recopy it.

courts (*quaestiones perpetuae*). It established a mixed jury of senators, *equites* and tribunes of the treasury, which lasted until 46 BC, when Caesar removed the tribunes from the courts.<sup>22</sup> Four years later, after the law had been passed, the debate over the nature of the juries was still alive. In 58 BC, Cicero warned his brother to hide his potential authorship of the verses.<sup>23</sup> Cicero did not actually confirm in the letter that Quintus was the author of the verses. He might have been concerned that the letter might be read if the messenger was intercepted. McDermott has suggested that the allusion to Hortensius might mean that the latter could have been offended in some way by the work.<sup>24</sup> Interestingly, denying the authorship of a work was possible in the Late Republic, since forgery was viewed as a valid excuse, probably because it was possibility.<sup>25</sup> This points to the fact that political literature had an impact and was relevant to the political game. These works were not symbolic but normative statements on the part of the author.

Political literature was not restricted to the political elite. Ruffell has called attention to 'popular invective poetry'.<sup>26</sup> During the trial against Verres, Cicero mentioned a work against the accused, written by Furius of Heraclea, the captain of a ship. In 71 BC, Verres detained several *navarchi* in Sicily. Families arrived for the trial; the ships' captains were judged, condemned and executed.<sup>27</sup> During his stay in jail, one of them, named Furius, wrote a self-defence attacking Verres.<sup>28</sup> His work circulated throughout the whole island:

When his death was settled, while his mother was sitting in his prison, night and day weeping, he wrote out the defence which his cause required; and now there is no one in all Sicily who is not in possession of that defence, who

<sup>22</sup> Cic. Verr. 2.71; 2.174; 5.69; 5.177; Phil. 1.8.20; Cluent. 130; Att. 1.16.3; Liv. Epit. 9. On this measure, see Gruen 1974: 28–35; Ferrary 1975; Bruhns 1980; Dzino 2002; Fontanella 2004. See Vasaly 2009 on the importance of Cicero's speeches against Verres in engaging himself in current political debate and especially in a very controversial issue. The date of the *lex Aurelia iudiciaria* has been discussed (Fontanella 2004: 18–19, n. 13). It had not been passed when the trial against Verres started. In his second *actio*, which he never pronounced, Cicero asserted that the law had already been passed (Cic. 2Verr. 5.178). It has been suggested that the reform was intended to preserve at least some kind of senatorial presence in the tribunals, as a compromise (Ward 1970; Bruhns 1980; Ferrary 1975).

<sup>23</sup> Cic. QF. 1.3.8. <sup>24</sup> McDermott 1971: 708, n. 26.

<sup>25</sup> On forgery, see Moreau 1994: 134–141; Culham 1996.

<sup>26</sup> Ruffell 2003: 43 suggests that Horace attempted to separate politics and literature, thus bowdlerising the potentially subversive popular content in a 'rhetoric of sophistication'.

<sup>27</sup> Cic. 2Verr. 5.106–122; 5.106 (in jail); 5.108 (arrival of the families); 5.114 (condemnation); 5.117 (prison); 5.121 (execution).

<sup>28</sup> Cic. 2Verr. 5.112; see Frank 1935: 63. Cicero explicitly remarked that Furius was not a Roman citizen, despite the Latin reminiscences of his name.

does not read it, who is not constantly reminded by that oration, of your wickedness and cruelty. In it he states how many sailors he received from his city; how many Verres discharged, and for how much he discharged each of them; how many he had left.<sup>29</sup>

The text was so widely propagated that people had it (*quin habeat*) and read it (*quin legat*), probably for the ghoulish thrill and curiosity of the case of Verres versus the ships' captains. This tract provided specific details about the Sicilian fleet under Roman command, city by city. Cicero named it an *oratio*; therefore, Furius composed from his jail a written speech. Both Furius' *oratio* and Cicero's speech against Verres shared many features of style (especially furious attacks against the governor) and aim (to become a source of information for those not present during the trial).<sup>30</sup> Therefore, Furius' work could be included in the category of political literature: it was not an exceptional example; it aimed to influence public opinion about a current issue, with a fair degree of success (even though it did not prevent his execution); and it was widely circulated.

At least two freedmen, learned men but former slaves, are recorded as the authors of political works, both of them in defence of their patron and former master, Pompey.<sup>31</sup> Lenaeus wrote a satire against Sallust, the historian, who had accused Pompey of having a noble appearance but a shameful character.<sup>32</sup> The author of the work was not a philistine: born in Athens, he became a prisoner of war in his childhood. After his arrival in Rome, he was educated as a grammarian, which allowed him to accumulate a fortune and acquire his freedom. Lenaeus did not only express his loyalty towards Pompey through his writings: he founded a grammar school in Rome near the temple of Tellus, where Pompey's family house had been located.<sup>33</sup> Another of Pompey's freedmen, Pitholaus, wrote verses that

<sup>29</sup> Cic. 2Verr. 5.112: 'Verum morte proposita, cum lacrimans in carcere mater noctes diesque adsideret, defensionem causae suae scripsit; quam nunc nemo est in Sicilia quin habeat, quin legat, quin tui sceleris et crudelitatis ex illa oratione commonefiat. In qua docet quot a civitate sua nautas acceperit, quot et quanti quemque dimiserit, quot secum habuerit; item de ceteris navibus dicit'.

<sup>30</sup> Frazel 2004: 137–138; see in the same sense, Butler 2002: 53–54.

<sup>31</sup> Du Quesnay 1984 pointed out the Pompeian connections with Lucilian satire, playing, up to a point, with the family relationship between Pompey and Lucilius. Rawson 1985: 104–105 rejected these literary connections.

<sup>32</sup> Suet. Gram. 15 (=Sal. Hist. 2.17). On Lenaeus, see Treggiari 1969, Scullard 1964, and Robinson 1923: 107. Historians have discussed his origins: Treggiari 1969: 119 points out that a scholiast (to Iuv. Sat. 1.20) stated that he was originally from Suessa, Aurunca, in Italy, although she adds that he was probably confusing him with the poet Lucilius. Rawson 1985 suggested that Lenaeus could have arrived to Pompey's household through one of the *Lucilii*, his relatives, who owned properties in Aurunca.

<sup>33</sup> See RE 88 (Hansik). See Plin. NH. 15.5.7ff: Pompey charged him with the translation of Mithridates' posthumous works on pharmacology. Lenaeus opened his school after Sextus Pompeius' death in



criticised Caesar for naming a consul only for one day, mixing Greek and Latin, according to Horace.<sup>34</sup> Further biographical dates about this author are scarce, but it is interesting that he decided to intervene in political discussion through verse, while he himself did not play any political role.<sup>35</sup>

Differences in status could increase or decrease the amount of attention that was dedicated by potential readers to works of political literature, but a scandalous pamphlet or a well-turned slanderous verse could wipe out these differences and ensure a wide circulation.

## 4.2 Audience and Literacy

Who was the audience? It was not necessary for the audience of a political work to be able to read. In the case of public opinion, a sizeable part of it was delivered by oral means. Sociability in the right places and with the right people was usually enough to become acquainted with rumours, gossip, and general opinion.<sup>36</sup>

Obviously, this dissemination of political literature was based on the complete literacy of the Roman elite. Harris, in his seminal book *Ancient Literacy*, focused on what percentage of the population could actually write and/or read. He has suggested that the Roman elite became literate, at the very latest, by the end of the fourth century BC.<sup>37</sup> The degree of reading and writing of the popular classes is a hotly debated subject, since the evidence is subject to many interpretations. Corbier has suggested that reading habits in Rome could be described as ‘poor literacy’ (*alphabétisation pauvre*), in the sense that there was a huge link between speech and writing, few texts could generally be read, writing skills were poor, and memory played an important role. Levels of competence, thus, varied widely within the population.<sup>38</sup> Nicolet, fixing his attention on how often writing featured in Roman political life (voting, written orders in the army, written military passwords, graffiti, and private bills amongst others) concluded that the average Roman voter had writing and reading skills.<sup>39</sup> In any case, writing was omnipresent in the city.<sup>40</sup>

35 BC. Christes 1979 suggested that the location of the school could be due to a testamentary donation.

<sup>34</sup> Macrob. Sat. 2.2; Hor. Sermon. 1.10.2. Bardon 1952: 272, 364.

<sup>35</sup> Lewis 1966: 272–273 on Pitholaus’ identification as M’. Otacilius, refuted by Treggiari 1969: 118–119.

<sup>36</sup> See Chapters 2 and 3.

<sup>37</sup> Harris 1989: 157.

<sup>38</sup> Corbier 1987: 59–60.

<sup>39</sup> Nicolet 1988: 517–518.

<sup>40</sup> Corbier 1987. See Bagnall 2010 on everyday writing.

Literacy could also be conceived of as a series of text-oriented events.<sup>41</sup> Harris has pointed out that citizens usually learnt about laws and measures to be passed through oral transmission, with a magistrate reading them out loud in a *contio*. The first evidence of showing in public a proposal of law comes from Rullus' draft of a *lex agraria* in 64 BC.<sup>42</sup> Poetry was commonly read at the baths or in the Forum.<sup>43</sup> Although there are no mentions of readings of political pamphlets or even satirical verses against politicians, the possibility should not be ruled out completely. This kind of literature could also be present in other venues, such as dinners, which frequently featured readings.<sup>44</sup> Martial boasted that his book would be read and commented upon throughout the whole city, in a wide array of venues: dinners, the Forum, the temples, the crossroads, the porticoes and the shops.<sup>45</sup> Written public opinion was, then, subject to the ability to read, or having someone literate at hand who could read the message aloud. The medium also influenced how many people actually read or were read a message. Graffiti, for instance, composed of short and simple sentences and permanently exposed in public places, were likely to reach a wider audience than pamphlets, which would have had a more restricted circulation within the whole citizen body, but perhaps a wide circulation within the Roman elite.

The socio-economic elite represented one of the target audiences of political literature. The potential audience of Cicero's *Philippics* could inform us of the extent of distribution of that type of literature. Cicero circulated those speeches shortly after their delivery.<sup>46</sup> Apparently these copies were not restricted to the city of Rome, since they were also read by the Italian elites.<sup>47</sup> In the same vein, during the civil war, Caesar sent letters explaining his case to the most important towns of Italy, trying to win them to his own side.<sup>48</sup> Evidence of *libelli* addressed to specific audiences is linked to the army. For instance, during the civil war, both Caesar and Metellus Scipio Nasica sent tracts to each other's soldiers.<sup>49</sup> This scheme was reproduced by Octavian in 44 BC against Mark Antony's army.<sup>50</sup> Again, the Caesarians used it against Brutus before Philippi.<sup>51</sup> Soldiers had to develop some literacy skills in the army, at least to deal with distributing the password and the inspection of night guards, as Polybius claimed.<sup>52</sup> Nevertheless, Polybius mentioned only soldiers over the rank of centurion

<sup>41</sup> Johnson 2009: 3.    <sup>42</sup> Harris 1989: 165; Cic. De leg. Agr. 2.13.    <sup>43</sup> Hor. Sat. 1.4.7.

<sup>44</sup> On readings at dinners, see p. X.    <sup>45</sup> Mart. 7.97.11–12.

<sup>46</sup> Cic. ad Brut. 2.3.4; 2.4.2; and see Fam. 12.2.1.

<sup>47</sup> Cic. Phil. 1.8; see Att. 16.7.1. Osgood 2006: 42, n. 95.    <sup>48</sup> D.C. 41.10.2.    <sup>49</sup> D.C. 43.5.

<sup>50</sup> App. BC. 3.44.    <sup>51</sup> D.C. 47.48.1.    <sup>52</sup> Pol. 6.34 (6.35 for the night guards).

reading the passwords. Thus, the degree of literacy of the remainder of the army could not be surmised from this evidence.<sup>53</sup> Nevertheless, the existence of literate colleagues at higher levels was necessary for the pamphlets distributed to reach the intended audience; they would probably read them or transmit the message to their subordinates.

Other means were also available to communicate with the people. Graffiti were not the only texts placed on the streets representing public opinion. If a magistrate read the text of a law out loud, anyone who wanted to learn about it had to be present at that moment. If the law was posted up, a graffito written, or a pamphlet distributed, they became permanently available for reading, at any time, provided that someone could read or could find someone who could read them out loud. Their availability increased, thus also expanding the possibility of diffusion. During the year 59 BC, the consul Bibulus retired to his house to fend off attacks and block Caesar's legislation. He chose to communicate with the citizenry through edicts and written speeches, which were copied out and read: 'The result is that now scathing edicts against Bibulus are so popular, one can't pass the place where they are posted up for the crowd of people reading them.'<sup>54</sup> Thus, there were two different audiences: firstly, those who went directly to where the edicts were displayed, and read them, or had them read by others. Secondly, those who bought or got a copy and read them later (or had them read by others). Wide circulation was ensured through the use of both channels. The diffusion of edicts by copying is attested in other instances, such as Brutus's and Cassius' edicts proclaiming their own immunity after Caesar's murder, which were sent to Cicero during his absence from Rome.<sup>55</sup>

Coleman has criticised the determinism of establishing differences related to technology. Instead, she has suggested focusing on the social experience of literature as well.<sup>56</sup> In fact, she rejects the standard theoretical framework and division of orality versus literacy, and advocates the existence of a mixed oral-literate literary tradition.<sup>57</sup> The latter was based, in the case of the ancient world and medieval Europe, for instance, on group reading by highly literate and sophisticated audiences, or aurality. Aurality

<sup>53</sup> On soldiers and literacy, see Best 1966.

<sup>54</sup> Cic. Att. 2.21.4: 'itaque Archilochia in illum edicta Bibuli populo ita sunt iucunda ut eum locum ubi proponuntur prae multitudine eorum qui legunt transire nequeamus'. Cic. Att. 2.20.4.

<sup>55</sup> Cic. Phil. 1.8. The *librarii*, following Cicero's orders, copied the *rogatio agraria* that Rullus had posted so that the former could read it (Cic. Leg. Agr. 2.13); Millar 1998: 45.

<sup>56</sup> Coleman 1996: xii–xiv; see 7–8 for criticism of technological determinism.

<sup>57</sup> See Coleman 1996: 1–33 for a thorough review of orality/literacy theory and its weaknesses.

relied heavily on a written text as the source for the public reading, which turned literature into a social event, spiced with the element of performance.<sup>58</sup> However, this was not the only possibility of the oral-written intersection: for instance, perorality implied the presence of people, but with no book in sight.<sup>59</sup> These considerations have to be taken into account when conceptualising Roman political literature. Pamphlets were probably read out loud at elite dinners, as part of how public opinion was exchanged. Graffiti could have been read out loud in the street and their information passed on, even though no performance was carried out.

Thus, focusing on the actual percentage of literacy in Roman society should not be the only issue under discussion. Political literature worked within the political system, and the percentage of users was at least sufficient to guarantee its diffusion and circulation, in both elite and popular circles. Of course, not all texts were addressed to the same audiences, the extremes being a complex literary text and a crude graffito on a street corner or in a temple (which does not imply that the elite would not gaze at the latter). In the middle, there is a huge range of texts whose diffusion at least relied on literacy, although not exclusively.

### 4.3 Distribution and Circulation

Oral circulation happened in the Forum and in the streets and at cross-roads of the city. Speeches were delivered. Political works were read in the baths and at dinners. *Edere* was the commonest Latin word used for publication. Pliny the Younger defined the conditions under which he considered a book to have been published in a letter to his friend Suetonius: 'Allow me then the pleasure of seeing your title-page, and hearing that books of my dear Tranquillus are being copied out, sold, and read'.<sup>60</sup> Pliny also discussed with his booksellers the distribution of his books.<sup>61</sup> The existence of a book trade, carried out by craftsmen and traders who worked for profit, is attested for the Late Republic and the Principate.<sup>62</sup> However, members of the elite did not usually obtain their books from bookstores (*tabernae librariae*), since they could get them

<sup>58</sup> Coleman 1996: 27–33.

<sup>59</sup> Coleman 1996: 42, especially chart 2.2 with the different levels of transmission and reception of literature and their intersections. Perorality makes references to oral composition together with performance.

<sup>60</sup> Plin. Ep. 5.10.3: 'patere me videre titulum tuum, patere audire describi legi venire volumina Tranquilli mei'.

<sup>61</sup> Plin. Ep. 1.2.6. <sup>62</sup> Iddeng 2006.

through private channels and have them copied.<sup>63</sup> In fact, Dorandi suggests that making copies for friends and taking care of their work were features of the duties of *amicitia*. Thus, not only did Atticus take care of Cicero's works but Dorus also edited works of his friend Livy.<sup>64</sup>

Nevertheless, these categories were flexible, and no point of agreement has been reached by modern scholars, since ancient writers also considered a book to be published at different points. Eich has suggested that it was the moment that the work left the house of the writer.<sup>65</sup> Harris holds that a book was published even when copies were distributed to friends, and the work was not being sold.<sup>66</sup> After Cicero wrote *De Finibus*, he left it in Atticus' hands. When he heard that Balbus had managed to obtain a copy of the manuscript, he considered it published.<sup>67</sup> Starr has described book circulation in the Roman world as a series of concentric circles, starting with the inner circle of friends.<sup>68</sup> The first reader, usually a close friend, helped with criticism and pointed out passages that needed revision.<sup>69</sup> Once corrected, a work would circulate widely within the circle of friends, either in the form of copies or through intimate public readings.<sup>70</sup> Starr eschews employing the verb 'to publish', because of its modern connotations, which can hardly be avoided by the contemporary reader. Thus, he prefers 'make public' or 'release', a moment that came when a stranger to the author could make a copy or buy the book.<sup>71</sup> Dorandi favours 'diffusion', 'putting into circulation', or 'communication', rather than 'edition'.<sup>72</sup> These proposals better describe the nature of political literature.

Diffusion of a work, either in oral or in written form, was therefore enough to consider it published. This was not exclusive to the ancient world or to societies before the invention of the printing press. In the second half of the twentieth century, due to political control and censorship, many Russian works were privately copied or typed, and then distributed in secret. This phenomenon is called *samizdat* literature.

<sup>63</sup> Starr 1987: 221–223.

<sup>64</sup> Atticus' workshop: Nep. Att. 13.3. Dorus and Livy: Sen. De benef. 7.6.1; Dorandi 2000: 117. Scholars have discussed whether Atticus was simply doing a favour to his friend Cicero or was actually a 'publisher', as mentions of his learned slaves and copyists might suggest (Phillips 1986 and Dortmund 2001 are against Atticus as a commercial publisher; Iddeng 2006: 64–68).

<sup>65</sup> Eich 2000: 56–57. <sup>66</sup> Harris 1989: 225.

<sup>67</sup> Cic. QF. 12.17.2; Att. 13.13.1; Sommer 1926: 389–422.

<sup>68</sup> Starr 1987; also the in-depth analysis in Dorandi 2000: 77–101, who suggests a double circulation (first in the form of *commentarii*, and later in a more carefully edited version).

<sup>69</sup> See e.g. Cic. Att. 16.11. <sup>70</sup> Starr 1987: 213–215.

<sup>71</sup> Starr 1987: 215. Iddeng 2006: 64 also favours 'release'.

<sup>72</sup> Dorandi 2000: 106–107. See on this discussion, Zetzl 1981: 232–235.

The concept was coined in the late 1950s, as a contraction of *samesbyaizdat*, which means ‘publishing house for oneself’.<sup>73</sup> This self-publishing phenomenon later extended to all production and distribution of ‘unofficial’ material, prosecuted by Soviet laws. On some occasions, heavily watched writers, such as the poetess Anna Akhmatova, resorted to oral transmission in order to avoid political problems. Despite not being printed or properly distributed, many of these works enjoyed a considerable diffusion. Furthermore, these texts have also been described as an ‘extra-Gutenberg phenomenon’ since, due to the special characteristics of their transmission, they are of uncertain worth and reliability: that is, these texts have epistemological instability.<sup>74</sup> Roman political literature shared these features. In fact, due to the nature of circulation of books in the ancient world, readers could not precisely be sure of the author of a work, nor of whether their copy was the final version.<sup>75</sup>

Distribution was not always carried out with the author’s consent. Pirated editions were part of everyday Roman political life. In 45 BC, immediately after the reception of Hirtius’ *Anticato*, sent by its own author, Cicero informed his friend Atticus that he had decided to disseminate it (*divulgari*).<sup>76</sup> Cicero organised it on a big scale: he did not confine himself to sending it to a few select friends. He placed the work in the hands of Musca, the chief of Atticus’ copyist workshops.<sup>77</sup> Atticus did not seem very convinced about his friend’s move or his reasons, so Cicero had to justify them in a later letter.<sup>78</sup> Cicero’s repeated references to this subject show that he was determined to continue it. Two days later, his instructions became clearer: to divulge Hirtius’ book (‘Hirti librum, ut facis, divulga’), what that he repeated in a further letter dated from the very same day (‘tu vero pervulga Hirtium’).<sup>79</sup> Was Cicero convinced about the literary worth of the work? It was exactly the opposite. In the last letter, he confirmed Atticus’ suspicions: he wanted to provoke laughter towards Hirtius’ tract and, therefore, to discredit it.<sup>80</sup> None of the letters preserved mentioned the author’s possible reaction to this unsolicited publicity. Nevertheless, Hirtius maintained his friendship with Cicero, and protected him from the attacks of his nephew, Quintus Cicero’s son.<sup>81</sup>

<sup>73</sup> Johnston 1999: 122–123. On *samizdat*: Johnston 1999; Komaromi 2008.

<sup>74</sup> Komaromi 2008: 632. <sup>75</sup> Starr 1987: 219. <sup>76</sup> Cic. Att. 12.40.1.

<sup>77</sup> A considerable number of Atticus’ slaves were skilled in the copy of books (Nep. Att. 13.3). See Haines-Eitzen 2000: 30–31 on the different functions of Atticus’ *librarii*.

<sup>78</sup> Cic. Att. 12.44.1. <sup>79</sup> Cic. Att. 12.48.1; Cic. Att. 12.45.2. <sup>80</sup> Cic. Att. 12.45.2.

<sup>81</sup> Cic. Att. 12.44.1; 13.21.1 (friendship); Cic. Att. 13.37.2; 13.40.1 (protection against his nephew).

Even Cicero had to face a similar problem of a pirated edition, as we have seen with the speech *In Clodium et in Curionem* (cf. p. 103).<sup>82</sup> So both Hirtius' and Cicero's editions were pirated, and distributed without the author's consent. These cases present an interesting example of negative diffusion of a pamphlet, in which its own adversaries take care of making it known. Hirtius' diffusion had been quite restricted, at least according to Cicero's wishes. It is probable that it was only sent to, or copied for, certain politicians, who were waiting for the great Caesarian charge against Cato, in Caesar's homonymous pamphlet. Cicero considered Hirtius' work a *proplasma*, a draft, since he was aware that Caesar was already working on one.<sup>83</sup> Hirtius' status as a writer and pamphleteer should be reconsidered.<sup>84</sup> He might not be a first-rate writer like Cicero or Caesar, but he should be placed into a context in which those tracts fulfilled a political function, regardless of their potential literary qualities. His work could be put with Brutus' pamphlet in favour of Cato, which seems to have passed through literary history without much noise. Caesar and Cicero, the two big stars, received all the attention. After Hirtius' pamphlet, Cicero was finally aware of the Caesarians' line on this matter: they would criticise Cato, but not the person who had praised him (Cicero). From the scarce fragments preserved from Caesar's pamphlet, Tschiedel has identified that the first three praised Cicero.<sup>85</sup> Probably these eulogies also featured in Hirtius' work, although no single fragment has been preserved.

Even though Rome was a preindustrial society, with no printing press, writings could be exhibited, spread, and distributed. Public documents were exposed to the public. In Greece, they used a large whitened board (*album*) for the publication of laws and important proclamations by the magistrates; these were located near the seats of the official who had issued them. This system evolved to the use of bronze tablets in later times. Something similar was used in Rome: Livy mentioned the *libri lintei*, where the names of the magistrates were recorded, kept in the temple of Juno Moneta. Made of linen, they may have dated back to the fifth century BC, and were codified in later centuries.<sup>86</sup> They were progressively substituted with bronze boards, which were more durable.<sup>87</sup>

<sup>82</sup> On pirated editions, see Dorandi 2000: 121–123. Cic. Att. 3.12.2; Cic. 3.15.3. On this speech, see Crawford 1984: 106–110; Crawford 1994: 324–326; Tatum 1999: 84.

<sup>83</sup> Cic. Att. 12.41.4. *Proplasma* is only found another time in one of Pliny the Elder's books (Plin. NH. 35.155, *proplasmata*), in which he mentioned the clay model of a sculptor as being his draft.

<sup>84</sup> On Hirtius' literary work, see Daly 1951. <sup>85</sup> Caes. Antic. fr. 1–3; Tschiedel 1981.

<sup>86</sup> See Posner 1972: 164; Bauman 1983: 91–92; Rodríguez Neila 2005: 89, 106.

<sup>87</sup> Hor. Ars 399 mentions the inscription of laws on wooden tablets; on the use of bronze tablets, see Caballos 2008.

For distribution of less formal writings, the printing press was not a prerequisite. During the sixteenth and seventeenth centuries, with that technology firmly consolidated, handwritten pamphlets still circulated.<sup>88</sup>

The diffusion of hand-copied pamphlets and their dissemination in centres of political decision-making are not exclusive to Early Modern history. Distributions of pamphlets are attested at least twice in Roman Republican times. Even though they do not appear in contemporary writings, both Dio Cassius and Plutarch were using previous sources that are lost to us. In Pompey's biography, Plutarch alluded to an interesting episode relating to King Ptolemy XII Auletes. Expelled from his kingdom in 58 BC after a revolt, the king ended up in Rome, where he lived in a villa owned by his ally Pompey. The latter used all his influence and connections in the Senate to try to have the Roman army sent to restore the king to his throne. It was a thorny matter: since the beginning of the second century BC, Roman generals had looked with eager eyes to the conquest of Egypt. However, since the country was presumed to be extremely rich and its location was extremely strategic, the Senate resisted any concession of a military mission that would invade or take control of it. The Roman general who would lead such an expedition would accumulate so much wealth that he would overtake his peers. The Senate, determined to avoid a new Scipio Africanus, preferred to leave the matter suspended.<sup>89</sup> Nevertheless, the struggle for Egypt did not fade from Roman politics in the first century BC. In 65 BC, Crassus tried to convince the Senate to annex Egypt, under the dispositions of King Ptolemy XI Alexander II's will.<sup>90</sup> Rullus' agrarian proposal, which included the expropriation of all public land outside Italy, was considered by some politicians as an attempt by Crassus' circle to take over Egypt.<sup>91</sup>

Before his expulsion, the king had already signed loans with Roman creditors to finance his recognition as a *socius et amicus* of the Roman people.<sup>92</sup> After his expulsion and his arrival to Rome, Ptolemy signed further loans in Pompey's Alban villa to pay for political support.<sup>93</sup> The situation became unsustainable for Ptolemy's creditors. Pompey therefore began a further campaign in the Senate for the king's restoration, to be led by Gabinius. The latter, a second-rate politician linked to Pompey, did not represent the kind of danger that appointing Crassus to lead the expedition

<sup>88</sup> See Olivari 2002. <sup>89</sup> Lampela 1998 describes in detail Roman attempts to control Egypt.

<sup>90</sup> Cic. Leg. agr. 1.1. <sup>91</sup> Siani-Davies 1997: 313ff.

<sup>92</sup> Cic. Att. 2.1.6; 2.16.2; Rab. Post. 4; Siani-Davies 1997: 315ff. Rabirius Postumus was one of the most important creditors.

<sup>93</sup> Cic. Rab. Post. 6; Fam. 7.17.1; D.C. 39.14.3–4.



would have caused. In this complex situation, political forces mobilised. A tribune of the plebs used the Sibylline books, arguing that the gods forbade the restoration through military force. Pompey was convinced that Crassus was behind this new development.<sup>94</sup>

Before this new challenge, someone decided to up the ante by resorting to a different method. Tracts were distributed in the Forum with the aim of influencing the final choice for a general: 'Besides, writings were to be found scattered about the Forum and near the senate-house, stating that it was Ptolemy's wish to have Pompey given to him as a commander instead of Spinther.'<sup>95</sup> The Greek text is clear regarding the nature of what was distributed: *gramassin*, writings, which were placed *dierrimmenois*, in a disjointed way, in the Forum. Their channel of distribution is also interesting: *entukhein*, they were found: that is, there was no active distribution. Their location near the Senate and the Forum is self-evident, since they were aimed at the centre of decision-making. Nevertheless, the Forum was not only where political decisions were taken but also a key place of business, with the *basilicae*, the market, and the porticus of Janus, with its moneylenders and businessmen.<sup>96</sup> Ptolemy's debts towards many Roman creditors, probably not all of whom belonged to the senatorial aristocracy, entailed that only the king's restoration would safeguard the repaying of the money. If Pompey took over the expedition, the devolution of the money would be assured.<sup>97</sup> Furthermore, the Roman people were passionate supporters of Pompey. It is an interesting way of influencing public opinion. It has been argued that Clodius took over popular channels of spreading public opinion.<sup>98</sup> In this case, someone was creating new ones.

Who asked for these writings and who distributed them? There are at least three possibilities. Firstly, Pompey and his entourage, who wanted to influence public opinion both inside and outside the Senate, making public the king's wishes. Secondly, the king and his circle, who wanted to press for a final decision about his possible restoration. Thirdly, groups opposed to Pompey's appointment (from Crassus to Lentulus Sphinter, the other possible general), with the aim of provoking a negative reaction by the readers, who presumably did not want to submit to the wishes of an Oriental kinglet, but preferred that the Senate would choose freely.

<sup>94</sup> See Siani-Davies 1997 for a detailed account of all political movements related to the restoration of Ptolemy.

<sup>95</sup> Plut. Pomp. 49.6. <sup>96</sup> See pp. 52–62.

<sup>97</sup> Cic. QF. 2.2.3; Rab. Post. 21; Plut., Pomp. 49.6; D.C. 39.12.3; Siani-Davies 1997: 325–326.

<sup>98</sup> Laurence 1994.

Whoever was behind the idea had to mobilise a large number of copyists. Some Romans, such as Atticus, had a professional workshop, to which similar services would be requested.<sup>99</sup> Other politicians, such as Crassus, disposed of many professional scribes, although we do not know whether they were sufficient. Booksellers could also have been mobilised. In any case, the coup had to be planned some time beforehand.

This distribution of pamphlets is not the only instance of this practice. During the weeks that led to Caesar's murder, when conspirators courted Brutus, pamphlets were apparently also scattered.<sup>100</sup> Dio Cassius did not mention how they were distributed or who did so. Surprisingly, those writings were denying Brutus' filiation with the great hero of the Early Republic, so they could unfold a conflict of ideas expressed through political literature, although the historian presented them as a ruse of the conspirators to spur Brutus on.

Political literature was also distributed outside Rome. Speeches were transcribed and then passed on to other people. In his first *Philippic*, Cicero described a similar course of action by some Italians:

Many of the citizens of the municipality of Rhegium came to me. And of them there were some who had lately arrived from Rome; from them I first heard of the *contio* of Mark Antony, with which I was so much pleased that, after I had read it, I began for the first time to think of returning. And not long afterwards the edict of Brutus and Cassius was brought to me.<sup>101</sup>

The content of Mark Antony's speech before the people had been conciliatory, as he proposed special measures for Brutus and Cassius, who wanted to legalise their situation after Caesar's murder. Thus, members of the elite of Rhegium, who came from Rome, had thought it fitting to leave the city with a copy of Antony's speech in a *contio*. Where did they find it? Was somebody taking note of Mark Antony's words? Had he published it shortly afterwards, at least providing the gist of the text?

The situation in Rome (and, by extension, in Italy, if there was a possibility of civil war once again) was extremely complicated and delicate. Mark Antony's move had been one of conciliation, and was thus considered important enough for the elite of Rhegium to carry the news and also the exact content back home. Cicero's text is slightly

<sup>99</sup> Cic. Att. 12.40.1; 12.48.1; 12.45.2.      <sup>100</sup> D.C. 44. 12.

<sup>101</sup> Cic. Phil. 1.8: 'municipes Regini complures ad me venerunt, ex iis quidam Roma recentes; a quibus primum accipio M. Antoni contionem, quae mihi ita placuit, ut, ea lecta, de reversione primum coeperim cogitare. Nec ita multo post edictum Bruti affertur et Cassi'.

ambiguous. Another possible reading of it would suggest that he first heard about the contents of the *contio* through the people of Rhegium and then, later, he read the speech, which could have been sent to him via a letter. Nevertheless, copies of the Philippics were sent to many Italian towns; it is therefore possible that those citizens from Rhegium would have brought home a copy of the speech. The second piece of information was an edict, which was probably exposed and then recopied. In the case of Cicero, it is possible that Brutus, Cassius, or a like-minded third person would have sent it directly to the orator, copying it from the draft or from the final text. Information in Rome relied heavily on a network of friends who would keep Romans abroad in contact with Roman politics via letters.

The distribution of written works is thus more varied than expected. Pamphlets were copied and distributed in the Forum, as the case of Ptolemy's restoration to the throne and the murder of Caesar have shown. Placards were put up, and graffiti were written on the walls, columns and statues. Copies of pamphlets were made, and probably distributed among friends or read out at dinners. The picture of political literature is more extensive than previously thought, and influenced Roman political life, making information and public opinion circulate.

This chapter has proposed a new category: political literature, which encompasses works on any kind of physical media or in any literary form, with a constructed language, and which, by addressing the political situation of the time, aimed to have an impact on public opinion. The creation of such a category is a useful epistemological tool because it avoids genre determinism, and focus on the content, intentions, and objectives of texts, rather than on their form. Thus, for instance, it allows analysis of the common features of a graffito in the Forum, an anonymous pamphlet, and a written speech.

These very objectives actually made the transmission of the texts more difficult, and can therefore explain the difficulties involved in their study. Their immediacy entailed an early expiry date for most of them.

Those who read Late Republican pamphlets in the following decades or centuries, thus ensuring their survival through recopying, were mostly interested in the language, the famous author (Cicero or Caesar, for instance), or the titillating subject (a criticism or an eulogy of Cato, or racy letters to Cleopatra). There were exceptions, of course: historians and biographers such as Suetonius or Plutarch used pamphlets quite extensively in their work, thus ensuring at least third-hand preservation

of some of the information they conveyed, or even just knowledge of their existence.

Political literature was full of uncertainties: readers were uncertain about whether their text was reliable, whether it was the final version, and, on some occasions, even the identity of the author. But all these uncertainties did not prevent these texts from doing their job, that is, to address public opinion, influence it where possible, and make an impact on contemporary politics.

Speculation about authorship existed in Rome: identities were discussed and sometimes confirmed or denied, as in the case of Quintus Cicero. A particularly relevant politician as author could ensure a wide readership (for instance, Caesar's take on Cato's memory was eagerly awaited), but an infamous or scandalous work by an anonymous author or from an unknown person could also bring about a wide circulation. The closer people thought that the author was to the source, the more impact his account could have. Trustworthiness leveraged political fame: an account by the freedman of an important politician, such as Pompey, could be as important as a pamphlet by a relevant politician.

Writing was a significant tool in Roman politics. It was increasingly important: the empire grew and politicians were posted abroad. Writing allowed them not only to stay informed about what happened (and to be political participants from a distance) but also to cover for their absence. A public letter from a general away from the city could make up for his lack of physical presence. It was also relevant from the 60s onwards: violent partisan politics compelled some people to disappear physically from the scene, sometimes in fear of their well-being, or even as a form of pressure. Writing allowed Metellus Nepos or Bibulus to remain engaged in politics.

The relevance of the use of writings in Roman politics has, of course, been related to the big question of the degree of literacy among Roman citizens and the centrality of writing in Roman political life. Scholars have discussed the percentage of the literate population, or what kind of texts they could understand. A graffito did not require the same skills as a pamphlet. However, we should not project our own model of how political life and writing are related. Political life is not absolutely dependent on having literate citizens; reading and writing are not requisites for participation in politics, nor have they been so in other centuries and locations. Late Republican Roman politics featured a mixture of both written and oral political communication; a painting retrieved from Pompeii features a scene in which someone is reading a text while others

listened to it, transforming it into another piece of oral information. A piece of political literature could travel around and outside the city of Rome in written or in oral form. Some texts were definitely aimed at specific audiences, but this also happens in current politics. The way in which political literature circulated and was consumed during the Late Republic may not be the perfect, nor even the most effective, scenario, but it enabled the existence of lively politics.

## *Political Literature and Public Opinion (II)*

### *Genres of Political Literature*

The following study of political literature will focus on the different sub-genres. This classification only responds to a didactic necessity, to help make sense of a wide range of different texts. Unfortunately, due to fragmentary evidence, lack of content precludes a more accurate division. In many cases, the correct categorisation of political literature is difficult because of the lack of detail in the sources: many have been preserved fragmentarily, while others are mentioned only by their title. Scholars still debate the actual form, and even the political stance, of Varro's *Tricaranos* on the triumvirate. M. Furius, called Bibaculus, composed *Annales belli Gallici*, a poem about Caesar's war against the Gauls.<sup>1</sup> Scholars hesitate between considering it a eulogy or a criticism against the general.<sup>2</sup>

The main division will differentiate between verse and prose. The 'works in verse' category ranges from carefully crafted poems by Lucilius or Licinius Calvus to popular verses that were sung on the streets. The 'works in prose' definition also covers different degrees of craftsmanship. As we shall see, the definition of some of these sub-genres is problematic for scholars. For instance, sources sometimes use *libelli* as a synonym for what we would call a pamphlet, and on other occasions to describe an open letter, or a fake edict. Other works of political literature in prose can include placards posted in the city, memoirs and historical writings, or graffiti. Only speeches will be omitted from the analysis, since the sheer number of works precludes any detailed discussion, and all of them, because of their character, should be considered as political literature.

Not all oral utterances on politics should be included in the category of political literature. There was a difference between *satura* or other kinds of political verse and rumours or chats of various types. Those that fit into the

<sup>1</sup> Plin. NH. praef. 24. Fragments in Suetonius (see Baehrens, F.P.R. 317ff) and Horace (Sat. 2.5.41; 1.10.36).

<sup>2</sup> See Du Quesnay 1984.

first category and which could be considered part of political literature were not conversations, but literary texts whose language had been crafted. Of course, they had different degrees of workmanship: a triumphal song drawing attention to Caesar's loose sexual morals was less elaborated than a poem by Lucilius criticising politicians who accepted bribes. However, in both of them there was an attention to language per se and a message was reflected upon, in contrast with an on-the-spot political conversation. Even so, as we shall see, in some cases these boundaries were blurred, and oral and written verse interacted.

This chapter brings together pieces from different genres with a clear objective in mind: analyse works related to political life, in order to disclose their common strategies and goals, and show how, despite the different intended audiences, they created and circulated public opinion. Not only they engaged in a political debate, they also worked as a system of communication to propagate public opinion. To disclose their working mechanisms within the regular practice of Roman politics, this study will focus mainly on the period before the Triumvirate.

### 5.1 *Satura*, Verse, Popular Verse

Modern definitions of the *satura* are problematic, since the concept had various uses in the Roman world. Rudd has proposed the figure of a triangle to express the character of satires: a conjunction between attack, entertainment, and preaching.<sup>3</sup> As Wiseman has pointed out, part of the evidence defined *satura* as an early form of drama (Livy, Valerius Maximus).<sup>4</sup> Nevertheless, the extant satires and satirists, such as Horace or Persius, do not fit into this category, since they wrote non-dramatic poems. Horace mentioned that Lucilius' satires were represented in public by actors.<sup>5</sup> Even so, the same poet stated that he wrote for the reasonably educated, excluding those who were very learned and the extremely ignorant.<sup>6</sup> One of Varro's *Menippean Satires*, *On Envy*, addressed the public directly.<sup>7</sup> Nevertheless, all these texts were also intended to be read in private.

For the second century BC, the evidence is scarce, probably due to the lack of sources. Spurius Mummius, who accompanied his brother to the siege of Corinth in 146 BC, apparently sent home witty verses in letters. His works did not circulate widely, since his letters were kept by the family,

<sup>3</sup> Rudd 1986: 1.    <sup>4</sup> Wiseman 2009: 132. See Liv. 7.2.7–8; Val. Max. 2.44.

<sup>5</sup> Hor. Sat. 2.1.68–74.    <sup>6</sup> Lucil. book 26.    <sup>7</sup> Varr. Fr. 218 = Non. 510L.

and read aloud to visitors and friends, such as Cicero.<sup>8</sup> Hazelton Haight has suggested that Spurius Mummius' work was in keeping with a long literary tradition, stemming from Sappho and Theognis, of little poems in the form of letters.<sup>9</sup> Latham, however, attributes a Roman origin to this genre, thus placing its beginning with Spurius Mummius.<sup>10</sup>

Nevertheless, among the political literature written at that time, Lucilius' poetry stands out, being considered by Horace as the origin of Latin satire.<sup>11</sup> Lucilius was the earliest Roman satirist, who lived during the second century BC. Not all of his poetry qualifies as political literature, just as not all of Catullus' poems could be included in that category. He was an *eques*, but was no foreigner to political life, as he was close to the Scipiones. Nevertheless, the level of his political involvement, in relation to his literary works, has been discussed and challenged.<sup>12</sup> Gruen, for instance, has argued that Lucilius wrote to chastise the weaknesses of contemporary society, usually regardless of party divisions.<sup>13</sup> He has identified several topics related to current affairs that appear in the satirist's works: the proud *nobiles*; irregularities in the Senate; criticism of those who courted the people; criticism of people's votes; corruption; the plight of the *socii*; grain distribution; and sumptuary laws, amongst others.<sup>14</sup> Rudd suggests that Lucilius linked Roman political quarrels with moral vituperation.<sup>15</sup>

Lucilius' first two books of poems constitute political literature. The first, named *Concilium deorum*, is a parody of a divine assembly, which closely resembled the Roman Senate. The similarities with Roman politics were pushed further by Lucilius, who made the gods speak with the vocabulary of the deliberations at the Senate: *agere* (the 'daily agenda' proposed by the magistrate in charge) and *sententiam dicere*. In that divine assembly, the gods decided to kill the man who bore the greatest responsibility for the pernicious moral situation of the times: Lucius Cornelius Lentulus Lupus, censor in 147 BC, condemned for provincial corruption by the *lex Caecilia repetundarum*.<sup>16</sup> Lucilius' attacks against Lentulus Lupus

<sup>8</sup> Cic. Att. 13.6.4. See Coffey 1976: 221, n. 61. <sup>9</sup> Hazelton Haight 1948: 531. <sup>10</sup> Latham 1959.

<sup>11</sup> See Muecke 2005 on early Roman satire.

<sup>12</sup> Gruen 1992: 273, n. 5, on bibliography of Lucilius' writings as advancing the interests of the Scipionic circle. On Lucilius' biography, see *ibid.*, 273–280. On the Scipionic circle, see Astin 1967: 294–296.

<sup>13</sup> Gruen 1992: *passim*, esp. 295–303.

<sup>14</sup> See Gruen 1992: 295–309 for a detailed discussion of these topics. <sup>15</sup> Rudd 1986: 1–11.

<sup>16</sup> Serv. Aen. 10.104 (the poet Servius summarised the poem); Lanc. Div. Inst. 1.9. On Lucilius' attacks against Lupus, see Gruen 1992: 284–285, who expresses doubts about attributing political intentions to the poems, taking into account Lupus' lifestyle, although proofs are inconclusive. For the condemnation, see Val. Max. 6.9.10.



were appreciated in later times for their fierceness, since the two most important Roman satirists mentioned them: Horace and Persius.

Nevertheless, there is an important difference between Lucilius' political literature and that of the first century BC: Lucilius wrote the poem after Lupus' death, although Coffey suggested that it had circulated privately before that moment.<sup>17</sup> Thus, during the second century BC, and even in the latter part of that century, there were still qualms about writing this kind of work about a living person. Was it a residue of Naevius' condemnation or just political delicacy? Was criticising a living person in a book something that was not done or was not considered proper? This view changed over time; at least in the first century BC, vicious criticism of contemporaries was part of normal political life.

Lucilius' second book of poems featured a humorous discussion of the accusation *de repetundis*, of Quintus Mucius Scaevola (consul in 117 BC and well-known jurist), brought to trial by the young T. Albucius.<sup>18</sup> Interestingly, Lucilius did not show sympathy for any of them. He seemed to despise Scaevola, but hated Albucius' Epicurean ideas. In the poem, Lucilius recalled the circumstances of the accusation and then presented both Albucius' and Scaevola's deliveries in court. The language is extremely carefully chosen, contrasting the accuser's Hellenised flowery speech with Scaevola's sober legal style. This work was also recalled by Persius in his praise of Lucilius.

Nevertheless, Coffey has pointed out that Lucilius could enjoy the freedom to criticise such high-ranking politicians because of the friendship and support of Scipio and Laelius. Furthermore, he belonged to the *equester ordo*.<sup>19</sup> He was apparently also a person of certain wealth, with a house in Rome and an estate in Sicily.<sup>20</sup> This status marked him above any freedman or Greek, who could not have sustained political or social pressure with his writings. This picture has driven many researchers to put aside the significance of Scipionic patronage.<sup>21</sup> Lucilius was a man of sufficient standing not to have had such levels of dependence. His relationship with Scipio and Laelius was built around friendship rather than patronage; Gruen points out the irreverent banter of some of Lucilius'

<sup>17</sup> Coffey 1976: 48. Lupus died later than Scipio.

<sup>18</sup> On this subject, see Gruen 1992: 290–291; on the trial, see Gruen 1968: 114–116.

<sup>19</sup> Coffey 1976: 40. The latest reconstructions of his family state that his father was probably a senator, his brother praetor of Sicily (135 or 134 BC), and his brother-in-law governor of Macedonia in 119 (and grandfather of Pompey). See the summary of the different reconstructions in Raschke 1987: 300.

<sup>20</sup> Raschke 1987: 300–301. <sup>21</sup> Raschke 1987: 302.

verses mentioning Scipio.<sup>22</sup> While taking this into account, Raschke had proposed that Lucilius began writing ‘highly politicised verses’ after Numantia, at a time when Scipio was widely attacked by the *nobiles* and had turned to the equestrian order for support.<sup>23</sup> Scipio had been criticised before his command in Numantia by many senators, especially Metellus Macedonicus and Lentulus Lupus.<sup>24</sup> Coffey has pointed to the absence of political themes in Lucilius’ work after Scipio’s death in 129 BC. There are no mentions of Caius Gracchus or Marius. These omissions may be attributed to Lucilius’ absence from Rome, to his non-involvement in politics after his friend’s death, or simply to issues of transmission.<sup>25</sup> Through his collaboration with Scipio, Lucilius would have gained access to the *nobiles*. This hypothesis is attractive, but the idea that Lucilius would have profited from the situation can be dismissed. Cicero stated that mutual help was one of the characteristics of friendship. Nevertheless, the idea that Lucilius wrote the satires as a way of helping Scipio in his politics is tantalising.<sup>26</sup>

Lucilius’ satires were still in vogue during the following century. Readings of his work were held by his friends and grammarians Laelius Archelaus and Vettius Philocomus. By that time, the relevance of his political literature had probably waned, but this was short-lived: Coffey has remarked that Pompey’s circle was interested in them, especially since Pompey was Lucilius’ great-nephew.<sup>27</sup> Pompey’s freedman Pompeius Lenaeus and his follower Curtius Nicias wrote studies on Lucilius. Nevertheless, as Rawson has pointed out, this fact does not imply that Pompeians were the exclusive proprietors of Lucilius’ literary tradition, since *satura* does not seem to have implied a specific political stance.<sup>28</sup> Suddenly, these political satires were relevant once again; Lenaeus’ attack on Sallust could be linked to Lucilian satire.<sup>29</sup> Interestingly, ‘Lucilian’ was used as a synonym for ‘invective’ during the Republic, thus linking the terms and demonstrating that Lucilius’ satires were part of political literature.<sup>30</sup> This relevance ensured their survival, at least during the Late Republic and Principate; Lucilius then fell from favour during late Antiquity.<sup>31</sup>

<sup>22</sup> Gruen 1992: 283, including accusations of *superbia* and a possible mention of a male lover and sodomite in the corrupt passage Lucil. 1138–1147M = 254–258W = 1155–1159K.

<sup>23</sup> Raschke 1987: 305–308. <sup>24</sup> Coffey 1976: 47–52; Astin 1967: 85–96. <sup>25</sup> Coffey 1976: 48–49.

<sup>26</sup> Analysis of Lucilius’ satires in relation to contemporary problems in Raschke 1987: 308–318.

<sup>27</sup> Coffey 1976: 61–62; see Du Quesnay 1984. <sup>28</sup> Rawson 1985: 104–105.

<sup>29</sup> Coffey 1976: 61–62.

<sup>30</sup> Although not exclusively. Svarlien 1994: 262–264 has pointed out that his fame in the first century BC was not linked to his invective poetry.

<sup>31</sup> Coffey 1976: 62–63.

Lucilius' tradition was not abandoned in the first century BC. Varro was, without doubt, his most devoted, but not slavish, follower.<sup>32</sup> He wrote the *Menippean Satires*, fragmentarily conserved, which have been categorised as a specific variety of satires. In fact, the term 'Menippean Satire' was invented by Justus Lipsius in 1581.<sup>33</sup> Weinbrot has defined the genre as: 'A kind of satire that uses at least two different languages, genres, tones, or cultural or historical periods to combat a false and threatening orthodoxy. (. . .) It is a genre for serious people who see serious trouble and want to do something about it.'<sup>34</sup> It featured a mixture of prose and verse, written in ordinary but polite language. The extremes of very vulgar or very educated language were only used for ironic purposes.<sup>35</sup>

Varro has been considered not as the Latin version of Menippus, but as a new benchmark in the evolution of the genre.<sup>36</sup> Writers of the sixteenth and seventeenth centuries considered Varro more elegant than the crude and cynical Menippus.<sup>37</sup> Varro did not seem to write in a subversive sense, but rather reinforced traditional norms and virtues.<sup>38</sup> Relihan has defined Varro's work as a mixture of Menippus and Lucilius, suggesting that Varro was parodying his own encyclopaedic knowledge.<sup>39</sup> As Lucilius had before him, Varro contemplated Roman society and politics, and criticised it thoroughly. Mosca has suggested that the latter opposed modern times, whereas Lucilius entered into a polemic against them.<sup>40</sup> On this point, few of Varro's satires could be related to contemporary politics.<sup>41</sup> One was named *Marcopolis*, subtitled *On Political Power*, and is in a fragmentary state.<sup>42</sup> In the remaining satires, the name of only one politician is preserved: that of Crassus, who was mentioned because of his wealth.<sup>43</sup> Sometimes, it is even difficult to gauge the nature of the writing, such as in Varro's work *Tricaranos* (the three-headed monster) published in the moment of the first Triumvirate in 60 BC.<sup>44</sup> Its character has long puzzled academics. Varro's friendship with Pompey is well known, and he even served in Pompey's agrarian commission.<sup>45</sup> Some authors, like Carcopino,

<sup>32</sup> On Varro's view on Lucilius, whom he considered the creator of satire, see Svarlien 1994: 259–260.

<sup>33</sup> Relihan 1993: 9. <sup>34</sup> Weinbrot 2005: xi. On Varro, see Weinbrot 2005: 29–38.

<sup>35</sup> Coffey 1976: 6.

<sup>36</sup> Astbury 1977: 22–23. Cic. Acad. 1.28. This judgement was reflected later on in antiquity, for instance, by Macrobius Sat. 1.2.42.

<sup>37</sup> Weinbrot 2005: 29–31. <sup>38</sup> Weinbrot 2005: 35–36.

<sup>39</sup> Relihan 1993: 49–53. Cèbe's review does not agree with Relihan's definitions.

<sup>40</sup> See Mosca 1937.

<sup>41</sup> On Varro's satires related to the political situation, see Wiseman 2009: 148–151.

<sup>42</sup> See Cèbe 1987: fr. 288–292. <sup>43</sup> Coffey 1976: 159. <sup>44</sup> App. BC. 2.9.

<sup>45</sup> Plin. NH. 7.176; Varr. RR 1.2.10; Astbury 1967: 403; Gruen 1974: 95, n. 36.

considered it anti-triumviral propaganda.<sup>46</sup> Anderson stated that Varro's work only mocked the use of that term, 'three-headed monster', by opponents.<sup>47</sup> Astbury proposed that Varro supported the Triumvirate in the beginning, but later repented.<sup>48</sup> Wiseman considers that there is no reason to suppose that it was critical.<sup>49</sup> Others, such as Rawson, declared their puzzlement at the situation.<sup>50</sup> Thus, knowledge of the title does not give us enough information to estimate the possible impact of the work. Even its form is unknown: it could have taken the shape of a pamphlet or even a satire.

Other kind of verses, not only *satura*, could be also labelled 'political literature'. Catullus' poetry against Pompey and Caesar and his entourage, especially Mamurra, has been analysed comprehensively, especially in recent years. Looking at Catullus' poetry from the point of view of invective and political life, it is clear that those works were representative of 'political literature'.<sup>51</sup> Tatum has remarked that Catullus' political works share much in common with oratory, especially social criticism, attacks against newcomers, sexual misconduct, theft, and prodigality.<sup>52</sup> Catullus' fierce attacks were aimed at key participants, such as Pompey or Caesar, and even at lesser-known figures, such as Mamurra, through which the big players could be reached. Catullus 29, the notorious poem, attacked Caesar's lieutenant, who had plundered many Roman provinces because of his uncontrolled hunger for gold. The last two verses shifted the blame for this situation onto Caesar and Pompey, whose virtues are also criticised.<sup>53</sup> Other poems, such as 57, ponder upon the sexual misconduct of Mamurra and Caesar. Catullus' works were addressed to public opinion, and reached it successfully: according to Suetonius, Caesar complained that the poems against Mamurra had cast a *perpetua stigmata* upon his own reputation.<sup>54</sup> His poems were closely linked to political reality; nevertheless, Catullus' reputation in the following centuries ensured that these invectives were recopied, and thus reached us.<sup>55</sup> Other authors did not have such good fortune.

C. Licinius Calvus was Catullus' contemporary and a proficient writer of political verse. His political activity, though he did not reach any magistracy,

<sup>46</sup> Carcopino 1968: 244–246. <sup>47</sup> Anderson 1963: 45.

<sup>48</sup> Astbury 1967: 406. Gruen finds this argument 'unconvincing' (Gruen 1974: 95, n. 36).

<sup>49</sup> Wiseman 2009: 117. <sup>50</sup> Rawson 1985: 216.

<sup>51</sup> On Catullus' poetry from a political viewpoint, see especially Spaeth 1937: 545–547; Scott 1971; Wiseman 1985; Braund 1996; Tatum 1997 and 2007.

<sup>52</sup> Tatum 2007: 337–338. <sup>53</sup> Tatum 2007: 338–344. <sup>54</sup> Suet. DI. 73.

<sup>55</sup> On Catullus' literary survival, see Gaisser 2007.

should not be overlooked.<sup>56</sup> Of his written works, few fragments have survived since, by the first century AD, memory of them was already fading. Calvus' verses were probably as important during the 50s as Catullus' attacks. Nevertheless, the former's work has only been preserved in fragments, despite his reputation as a powerful Atticist orator and love poet.<sup>57</sup> Only Tacitus mentioned that his speeches against Vatinius were still read.<sup>58</sup>

Three persons were attacked in the fragments preserved: someone called Curius, of dubious attribution; Caesar; and Pompey. Criticism of Curius was related to his affection for gambling.<sup>59</sup> This piece would not gain a place in political literature unless Hollis' hypothesis is accurate and Curius was expelled from the Senate for this reason.<sup>60</sup> More importantly, Calvus criticised the key players of the Republic, which drew the interest of later historians in this part of his poetry. Licinius Calvus also wrote verses against Tigellius Hermogenes, the musician and singer favoured by Caesar and Octavian and hated by Cicero, but only the mention of them by the latter has survived.<sup>61</sup>

Caesar was attacked for his sexual *mores*, a typical Roman insult. Suetonius described Calvus' elegiac couplet as *notissimus*: 'All that Bithynia and Caesar's bugger ever possessed.'<sup>62</sup> The subject of the verses was not original. Suetonius mentioned that Caesar's relationship with Nicomedes of Bithynia was criticised, in different forms (speeches, letters, and poetry) at least by Dolabella, Curio *pater*, Bibulus, Caius Memmius, Cicero, and even Caesar's own soldiers.<sup>63</sup> Hollis has suggested that, similarly to Catullus' poem against Mamurra, Calvus was censoring not only Caesar, but probably also another companion who enriched himself in the conquest of Bithynia.<sup>64</sup> Courtney also points out that 'the wealth of Bithynia' is the main point of the verse.<sup>65</sup> In time, Calvus' relationship with Caesar was repaired through the latter's initiative.<sup>66</sup> In 54 BC, he defended in court C. Cato, a supporter of the triumvirs, but was also involved in the accusation against Vatinius, with whom he had a bitter feud, and who was being supported by the triumvirs.<sup>67</sup> Therefore, no suspicions of censorship could arise.

<sup>56</sup> Gruen 1967: 214–224. <sup>57</sup> See Hollis 2007: 49–86 for fragments and analysis.

<sup>58</sup> Tac. Dial. 21.2; see Hollis 2007: 58; Spaeth 1937: 549–550; Castorina 1946.

<sup>59</sup> Asc. In Toga Candida, 93C.

<sup>60</sup> Hollis 2007: 78. The possible identifications are either Q. Curius (Asconius' guess) or Manius Curius.

<sup>61</sup> Cic. Fam. 7.24.1 (Calvus' verses followed the model of Hipponax of Chios, sixth century BC).

<sup>62</sup> Suet. DI. 49.1: 'Bithynia quicquid / et pedicator Caesaris umquam habuit'. Translation Hollis 2007: 56.

<sup>63</sup> Suet. DI. 49. <sup>64</sup> Hollis 2007: 82. <sup>65</sup> Courtney 2003: 210.

<sup>66</sup> Suet. DI. 73.1. Gruen 1967: 222–225 on Calvus' reconciliation. <sup>67</sup> Sen. Contr. 7.4.6; Cat. 14.

Pompey was also the target of Calvus' attacks: 'Magnus, whom everyone fears, scratches his head with one finger. What would you say he's after? A man!'<sup>68</sup> Modern academics doubt whether this couplet stood alone or whether it was part of a longer work.<sup>69</sup> Criticism took what was probably a nervous gesture and turned it into passive homosexuality.<sup>70</sup> The allusion to this type of body language was used in a more public manner by Clodius in February 56 BC, when Pompey appeared in the trial against Milo on his behalf.<sup>71</sup> Before a *contio* filled with his partisans, he asked them insulting questions, the answer for each one being, of course, Pompey; including: 'Who scratches his head with one finger?'<sup>72</sup> Apparently, Pompey felt much humiliated by this situation. Calvus' poem is not dated, and it has been suggested that it could allude to the scene with Clodius.<sup>73</sup> Thus, oral public opinion and interaction between elite and the people traversed all the way to written political literature. Almost a century later, Seneca the rhetor quoted his poem against Pompey about head scratching, but did not mention the name of the author.<sup>74</sup> It is unknown whether Seneca quoted directly from Calvus or was using a secondary work.

Not only gifted poets wrote political verse. C. Trebonius, suffect consul in 45 and one of the conspirators against Caesar (he was charged with keeping Mark Antony outside the Senate), wrote *versiculi* against the former in 44 BC.<sup>75</sup> He was murdered later by Cornelius Dolabella, following Antony's instructions.<sup>76</sup>

The treatment of popular verses as political literature is a controversial choice. Their means of transmission was oral, so they could instead be analysed together with gossip and rumours. Sometimes they were written poems, which became popular and were sung. At other times, the opposite occurred. However, the interaction between oral and written verse was more active than in other instances of oral expression. The playwright Naevius was the author of a famous verse against the Metelli, which was probably sung in the theatre.<sup>77</sup> While it is not known whether Licinius

<sup>68</sup> Schol. Luc 7.726: 'Magnus, quem metuunt omnes, digito caput uno / scalpit; quid dicas hunc sibi velle? Virum'; Schol. Iuv. 9.133; translation Hollis 2007: 56.

<sup>69</sup> Hollis 2007: 83.

<sup>70</sup> Jocelyn 1996: 244; Hollis 2007: 84. Cicero also accused Caesar of the same gesture (Plut. Caes. 4.9).

<sup>71</sup> Milo had been charged *de vi* for committing violence against Clodius. See Seager 2002: 114–115.

<sup>72</sup> Plut. Pomp. 48.7; cf. Cic. Att. 1.5b; QF. 2.3. <sup>73</sup> Hollis 2007: 84.

<sup>74</sup> Sen. Contr. 10.1.8. Lucan's scholiast provided that same quotation in his commentary (Schol. Lucan. 7. 726).

<sup>75</sup> Cic. Fam. 12.16.3. <sup>76</sup> Cic. Phil. 11.

<sup>77</sup> On theatre as a place for insulting verses, see Bollinger 1969; Yavetz 1969: 21.

Calvus' verses against Caesar were read aloud, popular verses were certainly sung in public, thus permitting the circulation of public opinion.

In many cases, it is difficult to draw a line between a *satura*, for instance, and popular verse, if not for the fact that a *satura* was usually written by a member of the elite, while popular verse was not transmitted through a written medium. Some scholars have categorised it as subliterate, drawing attention to its borderline nature between oral and written, which is, in turn, an artificial division. Authors like Horace played with that contrast between high and low tradition of verses in their work<sup>78</sup>. Verses occupied a midpoint between written and oral expression of public opinion.

Yavetz identified popular verse, which uttered invective against some politicians, as one of the most used and useful vectors of public opinion.<sup>79</sup> It has rightly been described by Ruffell as 'a promiscuous, public, uncontrolled, and anti-hierarchical literary form'.<sup>80</sup> Its popular character, in some cases, could be equalled to those brief graffiti messages attested by the sources. *Populi versus* were considered by Cicero as one of the ways in which the people expressed their own opinion, their *voluntas*.<sup>81</sup> In his speech *Pro Sestio*, Cicero boasted proudly of the verses sung by the people in his favour, taken from the lines of a play and cued by an actor, who improvised some of the lines.<sup>82</sup>

Verses, because of their brevity and playful nature, could be catchy, making it probable that they would be repeated. They thus made a very useful vehicle for circulating public opinion. For this reason, verses were frequently used as weapons in the courts of justice; thus, public opinion, centred within the *corona*, which usually surrounded the trials, would help win cases.<sup>83</sup> At the end of the second century BC, the orator Lucius Licinius Crassus brought his enemy, the popular Caius Memmius, to trial for extortion. Crassus argued that the walls of the whole of Tarracina were inscribed with the following words: L.L.L.M.M.; to explain it, he said that Memmius had quarrelled with someone named Largus over a woman. Thus, the graffito would read *Lacerat Lacertum Largi Mordax Memmius*: 'Mordacious Memmius lacerates Largus' limb'.<sup>84</sup> According to Harnecker, it was probably an electoral notice.<sup>85</sup> Cicero admitted that Crassus had made up the joke; but his iambic senary was Crassus' way of besmearing Memmius' character and of ensuring that this criticism was repeated throughout the city. Licinius Crassus, as a young man, brought Caius

<sup>78</sup> Ruffell 2003: 43–44. <sup>79</sup> Yavetz 1969: ch. 2. <sup>80</sup> Ruffell 2003: 61. <sup>81</sup> Cic. Phil. 1.36.

<sup>82</sup> Cic. Sest. 120–122. See Kaster 2006: 352–353. The poet is probably Accius.

<sup>83</sup> See p. 198, 202, 204. <sup>84</sup> Cic. De Orat. 2.240. See Alexander 1990: n. 60.

<sup>85</sup> Harnecker proposed the following reading: *Lege Laetus Lubens Merio Memmum*.



Papirius Carbo to court. When Carbo saw that the most likely outcome was condemnation, he committed suicide.<sup>86</sup> Popular opinion on this case gave vent through the following trochaic septenarius: 'After Crassus became carbon, Carbo became fat.'<sup>87</sup>

Verses also featured in public assemblies and other moments of habitual political life. In the tense political situation of the fifties BC, political factions clashed physically in the city, but also verbally. In 56 BC, both Pompey and Clodius spoke to the people, and the day ended in a heavy fight. Narrating the events of the day, Cicero highlighted that Pompey behaved courageously that day, and that Clodius had problems withstanding the attacks.<sup>88</sup> The *contio* was dominated by the *optimates*, so Clodius endured cries, shouts, and 'the most obscene verses' (*versus obscenissimi*) against his sister and himself.<sup>89</sup> In another case, a candidate for the praetorship, of disputed identity, started to offer stork in his dinners. Apparently, the new custom of eating this delicacy did not catch on well with the people; they jokingly attributed to the revenge of the storks his failure to gain the magistracy: 'Rufus inventor of pickled stork / a man more picky than both the Plancii / did not pick up seven votes at the polls / the voting public avenged his fowl play.'<sup>90</sup> Interestingly, it was an expression of public opinion that was expressed in this epigram, explaining jokingly the reasons why the people chose not to vote for him. People joked about the new senators named by Caesar in verses that were sung around the city: 'Caesar led the Gauls in triumph, led them to the senate house; / Then the Gauls took off their breeches, and put on the laticlave'.<sup>91</sup>

These verses could also become graffiti or painted notices in walls. For instance, the consul Ventidius Bassus was attacked through cruel verses,

<sup>86</sup> Liv. Epit. 59; App. BC. 1.18; Vell. Pat. 2.4; Val. Max. 3.7.6.

<sup>87</sup> Vers. Anon. 4 in Diehl 1967: 164: 'postquam Crassus carbo factus, Carbo crassus factus est'. See Courtney 1993: 470. See Plut. Crass. 4.1; App. BC. 1.72, 75. Matthews 1973: 223–224 preferred to locate this anecdote during the Marian proscriptions, when P. Licinius Crassus (cos. 97 BC) was murdered; Cn. Papirius Carbo figured among Marius' most prominent partisans.

<sup>88</sup> Cic. Fam. 1.5a.1; QF. 2.3.2. <sup>89</sup> Cic. QF. 2.3.2.

<sup>90</sup> Porphyrio ad Hor. Sermon. 2.2.50: 'Rufus praetorius instituisse traditur ut ciconiarum pulli manducarentur, isque cum repulsam praeturae tulisset tale epigramma meruit: ciconiarum rufus iste conditor / hic e duobus elegantior Plancius, / suffragiorum puncta non tulit septem: / ciconiarum populus ultus est mortem'. Translation Berg 1995: 145. The gourmet is probably C. Munatius Plancus (praetor 43 BC), who became L. Plotius Plancus after his adoption. Some scholiasts thought it was a Roman named Rufus, while *rufus* could be used as an insult, because of the servile connotations of such hair colour (Courtney 2003: 472–473). Berg has taken the cognomen Rufus for a fact, and suggests that the unnamed gourmet in Horace's *Satires* and the inventor of stork as a delicacy was Nasidienus Rufus (Berg 1995: 149–151).

<sup>91</sup> Suet. DI. 80.2: 'et illa uulgo canebantur: Gallos Caesar in triumphum ducit, idem in curiam: / Galli bracas deposuerunt, latum clauum sumpserunt'.



which were written *per vias*, throughout the whole city of Rome, when he became suffect consul in 43 BC: 'Assemble all soothsayers and augurs! / A portent strange has taken place lately; / for he who curried mules is consul now'.<sup>92</sup> The attacks made fun of Bassus' origins: stemming from an obscure family from Picenum, he and his mother were made prisoners during the Social War and were even carried during Pompey Strabo's triumph.<sup>93</sup> He later became an army contractor, providing mules and carriages for the magistrates going to provinces.<sup>94</sup> The locations of these verses offer a glimpse into the diffusion of public opinion. The Forum, piazzas, streets and crossroads have been mentioned by the sources; their character as meeting places made them spaces for the exchange and circulation of public opinion.<sup>95</sup> Interestingly, *via* is used in the plural, meaning that the texts were repeatedly inscribed to achieve maximum exposure.

*Versus* or *carmina triumphalia*, sung by soldiers during the triumph, are probably the most numerous in the sources. Ancient historians attached importance to these expressions of military public opinion. There are some previous allusions to military songs during triumphs, many of them consisting of praise for the soldiers. In 186 BC, the triumph of Cn. Manlius was followed by these kinds of eulogies.<sup>96</sup> The sources probably focused more on deprecatory verses for their negative view of the triumphant general, even though the general was not always the main star of the parade.<sup>97</sup> These songs have been interpreted as having an apotropaic function, protecting people from the 'evil eye', or even a sociological function, reincorporating the triumphant general to the level of his peers, in order to obliterate anything that could place him above them.<sup>98</sup>

<sup>92</sup> Vers. Pop. Fr. 3C; see Ruffell 2003: 53. Gell. NA. 15.4: 'Concurrere omnes augures, haruspices! / Portentum inusitatum conflatum est recens: / nam mulos qui fricabat, consul factus est'. Syme noted that the cognomen 'Bassus' is only mentioned by later writers, such as Gellius, whereas it is absent from contemporary sources (Syme 1939: 71, n. 3).

<sup>93</sup> Syme mentioned a family of *Ventidii*, who were municipal magistrates in Auximum; then, *Ventidius*' origins would not be so humble. See Syme 1939: 92.

<sup>94</sup> See Syme 1939: 92. Cicero and Plancus described him as a mere 'muleteer' (Plin. NH. 7.135; Cic. Fam. 10.18.3). He followed Caesar to Gaul and his good work commended him to the dictator, who enabled his progression in the *cursus honorum*. He may have been a *praefectum fabrum*, like Mamurra (Syme 1939: 71). His good star did not die in the Ides of March; Mark Antony sent him to the East, where he fought against the Parthians, celebrated a triumph, and was honoured after his death with a public funeral (Gell. 15.4).

<sup>95</sup> See pp. 52–70.

<sup>96</sup> Liv. 39.7. For similar praises by soldiers, see Plut. Aem. 34.7; Marc. 8.2; Dion. Hal. Ant. 2.34.2; Liv. 4. 53.11–12.

<sup>97</sup> Beard 2007: 245–249.

<sup>98</sup> See Beard 2007: 248; O'Neill 2003: 1–38, esp. 4 (for the sociological explanation).

Suetonius in particular took account of many songs against Caesar by his own soldiers in 46 BC, when Caesar celebrated his triumph in the Gallic Wars. These verses covered sexual mores (Caesar's hypothetical relationship with King Nicomedes; his promiscuity), the financial situation (plunder of the Gauls), and even everyday life in camp (bad diet): 'All the Gauls did Caesar vanquish, Nicomedes vanquished him; / See! now Caesar rides in triumph, victor over all the Gauls, / Nicomedes does not triumph, who subdued Caesar'.<sup>99</sup> Interestingly, these verses caught on more widely later, since Suetonius qualified them as *vulgatissimi*. They spread around the citizens and circulated. This is apparently the only instance of the imitation and spreading of triumphal verses into political life. Verses were easy to remember. Another of these verses, quoted by Dio Cassius, touched on Caesar's political situation and his allegation that he had started the civil war to avoid being led into a trial, in a parody of a well-known lullaby: 'Finally, on top of all this, they all shouted together that if you do right, you will be punished, but if you do wrong, you will be king.'<sup>100</sup>

## 5.2 Political Literature in Prose

Terminological problems are endemic in this category, mainly because the ancient sources do not seem consistent to modern scholars. A term like *libelli* actually covered a whole range of forms and purposes: tracts given to the soldiers during the civil war; writings by absent senators exposing their point of view; letters and fake edicts; invectives; and pamphlets.<sup>101</sup> For instance, Brutus described *Philippics* five and seven as *orationes*, and later as *libelli*.<sup>102</sup> Actually, it is true that they were both: first, a speech in the Senate, and, later, a published work. Sources variously mention *biblion* or *libellus*, a small book; nevertheless, the term *libellus* was also applied to a letter asking for a petition or for information. *Libelli* could also be *propositi*, then becoming a 'placard affiché', a poster. Corbier has warned about mistaking these posters for pamphlets, arguing that posters were closer to oral popular verses.<sup>103</sup> Nevertheless, both posters and pamphlets share the common characteristics of political character: immediacy and the desire to interfere with public opinion.

Our hypothesis of a new category, political literature, would solve that problem. An ancient writer would not have thought of Homer and Horace

<sup>99</sup> Suet. DI. 49: 'Gallias Caesar subegit, Nicomedes Caesarem: / Ecce Caesar nunc triumphat qui subegit Gallias / Nicomedes non triumphat qui subegit Caesarem.'

<sup>100</sup> D.C. 43.20.3. <sup>101</sup> See Eich 2000: 273–293 for a thorough analysis; Stroup 2010: 101–109.

<sup>102</sup> Cic. Ep. Brut. 2.3.4. <sup>103</sup> Corbier 1987: 54–56; Harris 1989: 215–216.

as belonging to the same broad category, that of verse, but we can and do. Distinctions between them, as established in these chapters, have methodological and epistemological reasons.

Elite Romans had absolute flexibility as to how they could criticise, praise, and act politically through writings. They used public speeches (invectives, like the *In Pisonem*), or speeches that were not actually delivered in public, but were probably distributed among friends and circulated in writings. There were also the *liber* (such as Hirtius' *Anticato*, which is also called *epistula*) and letters (open letters with a pedagogical objective, *Lehrbriefe*). These were eulogistic (such as the various writings praising Cato) or deprecating accounts (such as Dellius' letters to Cleopatra). They all belong to the genre of political literature, with the additional characteristic of being written in prose. Within this category, the forms that the genre takes could be very fluid. Furthermore, succinct references and the absence of context of practically all works make it very difficult to establish further subdivisions.

### 5.2.1 Pamphlets or Tracts

Terminological boundaries are blurry: Eich states that there is a terminological problem with the concept of pamphlets.<sup>104</sup> Not all *libelli* were pamphlets, and vice versa. Pamphlets were a sign that writing was an important political tool for the elite and that these writings could reach far more people than social ties. According to Brunt, pamphlets were a sign of the breakdown of patronage ties; at a moment in which senators needed more support, pamphlets meant the possibility of reaching a wider audience.<sup>105</sup> In a city in the process of expansion, with growing citizen and elite bodies, they were a means by which an idea or an opinion could be spread more quickly and widely. They also provided new venues for circulating public opinion. Furthermore, they did not depend exclusively on social networks, although pamphlets used them, especially for ensuring circulation, since friends copied the text. Pamphlets provided more details than verses, for instance. When Calvus mentioned the alleged relationship between Nicomedes and Caesar, he did not share any details beyond the names and the sexual reproach. Caius Memmius, on the other hand, not only related that Caesar had served as cup-bearer but also maintained that some Roman merchants (*negotiatores*), whose names he even quoted so that

<sup>104</sup> Eich 2000: 268–293; esp. 270–273 on terminology.

<sup>105</sup> Brunt 1988: 45–49. On pamphlets, see Bardon 1952: 271–290; Jal 1963: 201–230.

they could in theory bear witness twenty-two years later, had participated in the banquet.<sup>106</sup>

The survival rate of pamphlets is extremely low. We have just a few lines of some of them, and only mentions of the existence of the rest. Furthermore, up to a point, their analysis is skewed because, as with other works of political literature, only those of interest in later decades and centuries were mentioned. In the case of pamphlets, survival was only guaranteed for those that mentioned Caesar, thanks to Suetonius, whose biography of Caesar is a goldmine of references to pamphleteers.<sup>107</sup> The range of works spans the whole of Caesar's life: Suetonius mentioned writings before the civil war (such as Curio *pater's* dialogue), during the civil war (Caecina's pamphlet), during Caesar's dictatorship (the *Anticatones*), and even after the Ides of March (such as, probably, Ampius Balbus' deprecatory historical works). It is unknown whether he had direct access to them or extracted them from Republican or later sources, now lost to us, which mentioned these works.<sup>108</sup> Taking into account Suetonius' interest in this material, all mentions of pamphlets related to Caesar are critical and injurious. Apart from Caesar, later sources mentioned pamphlets in relation to two other principal figures, Pompey and Cato the Younger, but their use is less extensive. Finally, pamphlets are also referred to during the civil wars of the 40s and 30s.<sup>109</sup>

Criticism of Caesar, as we know from Suetonius, ranged from before the civil war to after its conclusion, although the chronology is not always clear. The work of T. Ampius Balbus, tribune of the plebs in the turbulent year 63 BC and a staunch Pompeian, was deeply critical of Caesar: 'No less arrogant were his public utterances, which Titus Ampius records: that the state was nothing, a mere name without body or form; that Sulla did not know his "ABC" when he laid down his dictatorship; that men ought now to be more circumspect in addressing him, and to regard his word as law.'<sup>110</sup> It is difficult to ascertain whether this fragment belongs to a work circulated before, during, or after the civil war. Ampius Balbus had been a supporter of Pompey since at least the 50s, when the latter backed him for the elections of 55 BC. When he was later prosecuted

<sup>106</sup> Suet. DI. 49.2.

<sup>107</sup> Gascou 1984: 168–170, 677–681 on pamphlets; Baldwin 1983: 218–234.

<sup>108</sup> Pelling 2009: 252–266 on Plutarch and Suetonius as Caesar's biographers and their different interpretations of the material.

<sup>109</sup> Charlesworth 1933; Freyburger-Galland 2009 on pamphlets during the 30s.

<sup>110</sup> Suet. DI. 77: 'nihil esse rem publicam, appellationem modo sine corpore ac specie. Sullam nescisse litteras, qui dictaturam deposuerit. Debere homines consideratius iam loqui secum ac pro legibus habere quae dicat'.

for electoral corruption, both Pompey and Cicero pleaded on his behalf.<sup>111</sup> Ampius Balbus voiced his ferocious opposition to Caesar just before and during the war, earning him the nickname *tuba belli civilis*.<sup>112</sup> In fact, his attitude meant that many Caesarians opposed his pardon, which Cicero managed to extract in October 46 BC.<sup>113</sup> Around that time, Ampius Balbus was compiling a set of biographies, and Caesar was included among the subjects.<sup>114</sup> Rawson has suggested that the work was more a history, partly of contemporary events.<sup>115</sup> Ampius Balbus might have let Cicero, Pansa, and Tilius Cimber beg Caesar to end his exile, while he was writing thunderous works against the dictator.

C. Memmius was another pamphleteer whose work has been preserved because of his criticism of Caesar: 'Caius Memmius makes the direct charge that he acted as cup-bearer to Nicomedes with the rest of his favourites at a large dinner, and that among the guests were some merchants from Rome, whose names Memmius gives.'<sup>116</sup> Memmius, a staunch Pompeian partisan married to Sulla's daughter, had been hostile to Caesar and the triumvirate. His accusations carried weight since he had personally been in Bithynia as a governor.<sup>117</sup> He reconciled with Caesar in the late 50s, in order to have Caesar's and Pompey's support for his candidacy to the consulship, which he lost after a scandal related to electoral corruption.<sup>118</sup> Suetonius did not specify what kind of work Memmius wrote against Caesar. It could have taken the form of a pamphlet or even a written speech, as with some other of his contemporaries. The biographer mentioned Memmius' bitter *orationes* against him, to which Caesar answered back, in writing, with equal bitterness ('non minore acerbitate rescriperat').<sup>119</sup> Using Occam's razor, Memmius' fragments preserved in Suetonius could be attributed to these speeches, which were not necessarily delivered in public, as has been mentioned before, although Memmius could have written further works against the dynasty, mentions of which have not been preserved. Interestingly, Caesar entered into a writing duel with him, matching his acerbic and mordant comments.

<sup>111</sup> Cic. Planc. 25; Schol. Bobl. 156 Stangl; Gruen 1974:109, 314. On pleading on his behalf: Cic. De Leg. 2.6.

<sup>112</sup> Cic. Fam. 6.12.3; *pace* RE., s.v. Ampius (Klebs) who, without clear arguments, maintains that there are no grounds for the nickname.

<sup>113</sup> Cic. Fam. 6.12.1. Pardon was achieved through the Caesarians Pansa and L. Tilius Cimber; the latter was involved in the Ides of March (Cic. Fam. 6.12.2).

<sup>114</sup> Cic. Fam. 6.12.5. See Bardon 1952: 284; Morgan 1997: 23–40. <sup>115</sup> Rawson 1985: 108.

<sup>116</sup> Suet. DI. 49: 'sed C. Memmius etiam ad cyathum + et ui + Nicomedi stetit obicit, cum reliquis exoletis, pleno conuiuio, accubantibus nonnullis urbicis negotiatoribus, quorum refert nomina'. See other attacks in Suet. DI. 73; Schol. Bobl. 130, 146 Stangl.

<sup>117</sup> Hostility to the triumvirs: Cic. Att. 2.12.2. Gruen 1969b: 106.

<sup>118</sup> Cic. Att. 4.17.3; QF. 3.2.3; 3.8.3. Rosillo-López 2010: 224–225.

<sup>119</sup> Suet. DI. 73.

Dolabella and Curio *pater* also wrote *actiones* against Caesar, again in line with Memmius' work. The difference, though, between these authors and the latter is noted by Suetonius: Memmius delivered a more specific accusation, while Dolabella and Curio relied on general abuse on the subject of Caesar's relationship with King Nicomedes. Dolabella called him 'the queen's rival, the inner partner of the royal couch,' and Curio, 'the brothel of Nicomedes and the stew of Bithynia'.<sup>120</sup> Osgood suggests that in fact Dolabella's accusations were the first to appear, and the rest of the authors followed him. Homosexual accusations were common against young Romans when they presented themselves in court.<sup>121</sup> Furthermore, Caesar as a young man had prosecuted Dolabella *de repetundis* in order to cement his reputation.<sup>122</sup>

Curio *pater* was a senior politician during the 50s, having been consul in 76 BC. He was a staunch anti-Caesarian until his death in 53 BC.<sup>123</sup> His work against Caesar is described by Cicero as a *librum*, set in the form of a dialogue between Pansa, his son Curio, and himself:

As in that book where he represents himself as walking away from a session of the Senate which Caesar as consul had convoked, and talking with my young friend Pansa and his own son Curio. The whole dialogue took its start from his son's asking what business the senate had transacted, in the course of which Curio inveighed at length against Caesar, and discussion arose between the interlocutors in the manner of dialogue.<sup>124</sup>

Cicero derided his work because of several anachronisms, and joked about Curio's bad memory.<sup>125</sup> Memmius' work and his own had something in common: both arose from men who had been to Bithynia. In Curio's case, he had even met and spent time with the king: after the peace of Dardanos in 85–84 BC, Curio returned King Nicomedes to

<sup>120</sup> Suet. DI. 49: 'Praetereo actiones Dolabellae et Curionis patris, in quibus eum Dolabella "paelicem reginae, spondam interiorem regiae lecticae," at Curio "stabulum Nicomedis et Bithynicum fornitem" dicunt'.

<sup>121</sup> Osgood 2008: 688–689 proposes the establishment of clientela in Bithynia as the reason for Caesar's time in the region (*ibid.*, 690–691).

<sup>122</sup> Cic. Brut. 317; Malcovati, ORF, s.v. Iulius Caesar (n. 121). See Gruen 1967.

<sup>123</sup> Cic. Fam. 2.2.

<sup>124</sup> Cic. Brut. 218: 'ut in eo libro, ubi se exeuntem e senatu et cum Pansa nostro et cum Curione filio conloquentem facit, cum senatum Caesar consul habuisset, omnisque ille sermo ductus <est> e percontatione filii quid in senatu esset actum. in quo multis verbis cum inveheretur in Caesarem Curio disputatioque esset inter eos, ut est consuetudo dialogorum, cum sermo esset institutus senatu misso, quem senatum Caesar consul habuisset, reprehendit eas res, quas idem Caesar anno post et deinceps reliquis annis administravisset in Gallia'.

<sup>125</sup> On Scribonius Curio *pater* as an orator, see Rosillo-López 2013: 287–298. On Cicero's derision of Curio's bad memory, based on customary attacks in courts rather than on reality, see Tatum 1991.

Bithynia and King Ariobarzanes to Cappadocia.<sup>126</sup> Nevertheless, Curio's tirade against Caesar did not stop at his youthful peccadillo, since it covered his alleged implication in the first Catilinarian conspiracy, his relationship with Pompey, and even his behaviour in Gaul.<sup>127</sup> Again, explanations about the form of the work are speculations. Could it have been a philosophical work, similar to Cicero's dialogues? Curio *pater* was not known for his interest in philosophy. The setting, with the tirade against Caesar on the steps of the Senate, need not have been related to the core of the work: for instance, Varro's third book on agriculture opened with the characters waiting for the results of an election after voting, and included an episode on electoral bribery before starting on the main topic of the book.<sup>128</sup> A third possibility would imply that the main point of Curio's writing was merely criticism against Caesar.

Tracts written against the latter multiplied, of course, during the civil war. However, some were not restricted to traditional abuse, based on personal and physical characteristics, but were concerned with another much more dangerous kind of argument: that of religion.<sup>129</sup> In the aftermath of the war, Caesar applied his policy of *clementia* in an attempt to reconcile and reintegrate his former enemies into the political body. He forbade all returns until he had personally supervised every case.<sup>130</sup> Some exceptions were allowed, such as those of Cicero and Decimus Laelius, who were granted permission by Mark Antony.<sup>131</sup> Pompeians were pardoned *en masse* after Caesar's final victory in Hispania, with the exceptions of those who had caused him serious offence (*anêkestois*).<sup>132</sup>

However, not all Pompeians were pardoned straight away: T. Ampius Balbus was among those who had to lobby for the possibility of returning. He managed to obtain a pardon, thanks to Cicero's intervention in 46 BC.<sup>133</sup> Of all the notorious Pompeians who lived in exile, two of them were never pardoned, despite efforts on their behalf: A. Caecina and P. Nigidius Figulus. Cicero worked to get both of them pardoned, but to no avail. Caecina's father had been defended by the orator in the homonymous speech in 69–68 BC.

<sup>126</sup> App. Mithr. 60.

<sup>127</sup> Catilinarian conspiracy: Suet. DI. 9.2 (also mentioned by Bibulus in his speeches; see Asc. 58Stangl); relationship with Pompey: Suet. DI. 50.1; behaviour in Gaul: Cic. Brut. 218. On Caesar's involvement in the first conspiracy, see Jones 1938/1939; Salmon 1935.

<sup>128</sup> Varr. RR. 3.5.18. See Viriouvét 1996 on this episode.

<sup>129</sup> For a more developed argument, see Rosillo-López 2009: 104–114.

<sup>130</sup> Cic. Fam. 6.13.3; Schol. Grov. 291Stangl. <sup>131</sup> Cic. Att. 11.7.2.

<sup>132</sup> Suet. DI. 75.4; Plut. Caes. 52.3; Vell. Pat. 2.61.1; App. BC. 2.107; D.C. 43.50.1. The term means, literally, 'fatal, pernicious'. See Liddell-Scott, s.v. *anêkestois*.

<sup>133</sup> Cic. Fam. 6.12.1.



The son even described himself as a client of Cicero.<sup>134</sup> The latter spared no efforts to achieve his pardon: he revised the work that Caecina was writing to ingratiate himself with Caesar; he advised Caecina to stay in Sicily as a place of exile; he talked to Oppius and Balbus, Caesar's right-hand men, and even sent letters of recommendation to the future proconsul of Sicily and the governor of Asia, in case Caecina moved there.<sup>135</sup> Evidence about Nigidius Figulus is not so specific, but Cicero again tried to work for his pardon. He described Nigidius Figulus as *amicissimus*, and declared that the best advice about saving the *res publica* had come from him.<sup>136</sup> He wrote to him in 46 BC to inform him that he was going to befriend the Caesarians who were closest to Caesar; furthermore, he added, the man with most influence on the matter wanted him pardoned.<sup>137</sup> These hopes were not probably well founded, since Nigidius Figulus died in exile, probably in 45 BC. Della Casa has suggested that Cicero could even have prepared a fourth *Oratio ad Caesaris clementiam* in his favour.<sup>138</sup>

Both Caecina and Nigidius Figulus had something in common: they were *haruspices* and had employed religious arguments in their tracts against Caesar. Caecina, according to Suetonius, wrote a pamphlet at the beginning of the war that the historian qualifies as a book full of reproaches (*criminosissimus*).<sup>139</sup> Caecina was aware of the real reason for his exile: his writings against Caesar.<sup>140</sup> Nigidius Figulus was a well-known Pythagorean, who restored that doctrine in Rome, and a reputed astrologer and *haruspex*.<sup>141</sup> At the beginning of the civil war, he circulated a *katarché*, or study of the position of the planets, which presented a bleak anti-Caesarian outlook for the days to come. His tract became special because it was a prediction, which turned out to be so famous that it outlived its historical context, and was employed by Lucan

<sup>134</sup> Cic. Fam. 6.7.4. Cicero described him as a client of Servilius Isauricus (Cic. Fam. 13.66.1). See RE, s.v. Caecina (Münzer).

<sup>135</sup> On Caecina's work: Cic. Fam. 6.7.4 (Caecina fears causing offence with his new work); 6.7.6 (the book is sent to Cicero through Caecina's son). On staying in Sicily rather than in Asia: Cic. Fam. 6.8.1; 6.8.2. Kelly 2006: 78–79; 206. Letters of recommendation: to T. Furfanius Postumus, proconsul of Sicily (Cic. Fam. 6.8.1–3; 6.9); to P. Servilius Isauricus, governor of Asia, and former colleague of Caesar as consul in 48 BC (Cic. Fam. 13.66).

<sup>136</sup> Cic. QF. 1.2.16; Plut. Cic. 27. <sup>137</sup> Cic. Fam. 4.13.6; Cic. Fam. 4.13.5. <sup>138</sup> Della Casa 1962.

<sup>139</sup> Suet. DI. 75. E.g. Rhet. Her. 4.52 (*criminosior oratio*).

<sup>140</sup> Cic. Fam. 6.7.1: 'cum praesertim adhuc stili poneas dem'.

<sup>141</sup> He was described by Jerome as *Pythagoricus et magus*. Hier. Chron. p. 156 Helm. Apuleius also considered him a *magus* (Apol. De magia 42). See Montero 1997: 223–225. Suetonius attributed to him the prediction of Augustus' imperial destiny (*dominus terrarum orbi*) on the day of his birth (Suet. Aug. 94.5). Musial 2001 on the existence in Rome of a possible clandestine Pythagorean *sodalitium*, led by him; Petit 1988 argues that Roman Pythagoricism was not restricted to the circle of Figulus.



in the *Pharsalia*.<sup>142</sup> For a long time, the prediction was believed to be a creation of Lucan, particularly since the seventeenth century, when Kepler tried in vain to establish the exact date of the prediction by the position of the planets.<sup>143</sup> General consensus today tends to accept that Lucan was transcribing Nigidius Figulus' *katarché*.<sup>144</sup> Scholars have proposed that the faulty position of the planets should be attributed to a deliberate decision by Nigidius Figulus, who wanted to match them with his bleak vision of a *res publica* in the hands of Caesar.<sup>145</sup> Another interpretation, in a metaphorical sense, identified each planet with an important politician: Scorpio (Caesar, inflamed by Mars), Orion (Pompey), Venus (Julia), Jupiter (the late Crassus), and Mercury (Cicero).<sup>146</sup>

His contemporaries had remarked that Caesar did not pay great attention to religious predictions, and his biographers delighted in noting the occasions on which Caesar ignored or despised them.<sup>147</sup> Nevertheless, he was aware that, despite his personal opinion, most Romans did not share his sceptical view of predictions.<sup>148</sup> Furthermore, in the context of civil war and the quest for a new legitimacy, he could not alienate possible support.<sup>149</sup> Sexual, physical, or political accusations could easily be counterattacked. Nevertheless, Caecina's and Nigidius Figulus' opinions stemmed from the gods and their designs. Furthermore, *haruspices* did not view a possible future (like the augurs), but the only possible future, closing all doors to interpretation, making these tracts with religious arguments against Caesar a dangerous weapon. The dictator could not allow such writers in the new regime.

However, not all works that are preserved attacked Caesar. His powerful ally, and later rival, Pompey also got his share. By the late 50s, when Pompey's presence and influence in Rome managed to overwhelm the *optimates*, Brutus wrote against him in his *De dictatura Cn. Pompeii*.<sup>150</sup> Brutus hated Pompey,

<sup>142</sup> Luc. 1.649–670. <sup>143</sup> Getty 1960: 311.

<sup>144</sup> Getty 1960: 312–312. See Getty 1941: 17–22. On the *katarché*, see Lewis 1998: 383–386.

<sup>145</sup> Getty 1960: 314ss. Getty considers that the prediction is the real reading of a moment in 50 or 49 BC, probably the crossing of the Rubicon. Lewis 1998: 382–383 has suggested that the position of the planets corresponded rather to the arrival of Nero to power, to mark his similarity with Caesar, another tyrant.

<sup>146</sup> Getty 1961: 270–271.

<sup>147</sup> Suet. DI. 81.2–4; Val. Max. 8.9.2b; Cic. De Div. 2.52; Suet. DI. 59; Bell. Afric. 2.2–5; see Rawson 1978: 143–145.

<sup>148</sup> Zecchini 2001: 69.

<sup>149</sup> Momigliano 2003: 48–49 points out that, to be pardoned, both Varro and Cicero wrote books on religious questions (Varro's *Antiquitates divinae*, dedicated to the dictator, and Cicero's *De natura deorum*).

<sup>150</sup> Quint. 9.3.95; Suet. DI. 49.2; Sen. Contr. 10.1.8; see Eich 2000: 281, n. 60.

whom he accused of the treacherous murder of his father in 77 BC, refusing to talk to him even during the civil war.<sup>151</sup> This work was probably related to the political situation in 53–52; after a few unsuccessful elections, which were put off for different reasons, and the violent aftermath of the murder of Clodius, the *optimates* were worried about Pompey's stand. It was rumoured that the people wanted to name him dictator. To defuse that possible problem, senators decided to elect him consul without colleague.<sup>152</sup> Quintilian preserved an extract of this work, which possibly sets the tone: 'for it is better to rule no man than to be a slave to any man: since one may live with honour without ruling, whereas life is no life for the slave'.<sup>153</sup> Accusations of wanting to establish a dictatorship were not limited only to the title. Brutus also returned to Pompey's sanguinary behaviour during Sullan times, a long-lived topic: 'Marcus Brutus, who said that his hands were stained and even steeped in civil blood'.<sup>154</sup> Even the dreaded and politically charged concept of 'king' was applied to Pompey: "At this same time, so Marcus Brutus declares, one Octavius, a man whose mental infirmity made him somewhat free with his tongue, after saluting Pompey as 'king' in a crowded assembly, greeted Caesar as 'queen'".<sup>155</sup>

Memories of Cato would be a battlefield, but the struggle had started before his death. Metellus Scipio, Pompey's father-in-law and consul in 52 BC, lashed out furiously against him. Their feud did not stem from a political problem, but a personal one: Metellus had been betrothed to Lepida, and had broken the engagement. In the interim, Cato got engaged to her, but Metellus changed his mind and ended up as the groom. Cato's friends advised him against going to court, so he started writing iambic verse in the style of Archilochus.<sup>156</sup> The Greek poet was noted in antiquity for being the archetypal poet of blame, and for his slanderous language.<sup>157</sup> Metellus Scipio, incensed, wrote a work in prose (*biblion*) that abused Cato.<sup>158</sup> The content of the book was not strictly personal, since political feuds between Metellus Scipio and the Catonians continued during the 50s.<sup>159</sup> Piotrowicz has

<sup>151</sup> Plut. Brut. 4; Pomp. 64; Syme 1939: 58. <sup>152</sup> Asc. Mil. 14.

<sup>153</sup> Quint. 9.3.95: 'praestat enim nemini imperare quam alicui servire; sine illo enim vivere honeste licet, cum hoc vivendi nulla condicio est'.

<sup>154</sup> Sen. Contr. 10.1.8: 'cum quidem eius civili sanguine non inquinatas solum manus sed infectas ait'; see ORF. 463. Helvius Mancia named him the 'adulescentulus carnifex' (Val. Max. 6.2.8).

<sup>155</sup> Suet. DI. 49: 'Quo tempore, ut Marcus Brutus referet, Octavius etiam quidam valitudine mentis liberius dicax conventu maximo, cum Pompeium regem appellasset, ipsum reginam salutavit'. On *rex* as a term of abuse, see Dunkle 1967: 156–158. On Brutus' view of monarchy, which he described as a 'monarchia paranomos', following a close reading of Plato, see Sedley 1997: 47–50.

<sup>156</sup> Plut. Cat. Min. 7.1–3. <sup>157</sup> On the character of Archilochus' verses, see Suda 1.376Adler.

<sup>158</sup> Plut. Cat. 57.2. <sup>159</sup> Gruen 1974: 172.

proposed that Metellus was even involved in the triumvirs' desire to get rid of Cato and in his sending off to Cyprus.<sup>160</sup> Metellus' work contained grave accusations, such as the allegation that Cato had committed embezzlement or *peculatus* in Cyprus. Cato had been sent there as *propraetor* in 58 BC to complete the annexation of the island; once he arrived, he auctioned the royal treasury and sailed back to Rome. He was not prosecuted, even though he could not produce the accounts or any copies of them, since one had sunk with one of the ships, and the other had burnt in a fire.<sup>161</sup> Evidently, Cato's reputation after his death and the intense debates about him ensured that Metellus Scipio's work continued to be discussed.<sup>162</sup> Piotrowicz argued that Caesar's *Anticato* did in fact borrow arguments from that work.<sup>163</sup> Geiger suggested that it was published only few months after Cato's return from Cyprus, probably to capitalise on the current situation, as political literature does by definition, and on Cato's failure to produce the accounts.<sup>164</sup> *Biblion* does not tell us much, but we should probably concern ourselves more with the importance of the content than with the form.

Nevertheless, the concept of 'pamphlet' usually invokes negative associations, which these ancient texts do not always have. One of the objectives of this study is to show that these writings were not used only during the civil wars, but were a standard way to present one's point of view *in absentia*. Taking into account the number of magistrates who were habitually out of the city in service, either in the army or in the administration, and regardless of those who sent their views directly to the Senate (as Caesar or Pompey did, eventually), these tracts, brochures, or pamphlets were probably a common feature of Roman politics. After the Catilinarian conspiracy had been suppressed, the tribune of the plebs Metellus Nepos, amongst others, declared that the Senate could not condemn citizens without trial.<sup>165</sup> He had been haranguing the people since December and was considered an opponent of Cicero's action, so much that Catiline even offered himself to him in *libera custodia*.<sup>166</sup> Debate between Nepos and

<sup>160</sup> See Piotrowicz 1912: 130–132.

<sup>161</sup> Badian 1965, On Cato's accounts: Plut. Cat. Min. 38.2–3; on the booty: Plin. NH. 34.92 (see Geiger 1984: 39–40 on Pliny's defence of Cato's probity). On the charge of *peculatus*, see Rosillo-López 2010: 88–94; on control of public accountability, *ibid.*: 110–113.

<sup>162</sup> On the literary fights over the memory of Cato, with the different 'Catones' and 'Anticatones', see Fehrlé 1983: 279–302.

<sup>163</sup> Plut. Cat. 36.5; Piotrowicz 1912: 134. <sup>164</sup> Geiger 1979: 55.

<sup>165</sup> Wiseman 1971 on the identification of this Metellus, who was among those who went to Luca (see Hayne 1974).

<sup>166</sup> Gwatkin 1934: 278–280 considers Nepos' behaviour as 'opportunistic policy', since in the case of Catiline's victory, he would have been Cicero's opponent; in case of defeat, he would have been the one who proposed to bring Pompey to crush the conspiracy.

Cicero became heated, and Nepos forbade Cicero to deliver his final speech on leaving his consulship. Cicero's vitriolic address against the tribune triggered an offended and angered personal letter to him from Nepos' brother, Metellus Celer, which has been conserved, together with Cicero's reply.<sup>167</sup> In this situation, Nepos tried to pass a proposal that would bring Pompey and his army to Rome to deal with the situation. A heated *contio* took place, where two tribunes vetoed the proposal, snatched the text from Nepos' fingers, and put their hands over his mouth when he tried to recite it.<sup>168</sup> A fight ensued, and the tribune disappeared, leaving the city for Pompey's camp. However, he departed 'after publishing some piece of writing against the senate'.<sup>169</sup> His action did not meet with success, since Pompey declined to act, but he tried to make his ideas heard by all means possible.

### 5.2.2 Open Letters

Open letters, *Lehrbriefe* or *littérature de conseils*, were another format of political literature, attested particularly during the first century BC.<sup>170</sup> A mixture of the private letter and the pamphlet, they were in theory addressed to private individuals, usually close friends, but were distributed afterwards among kindred spirits. These letters also aimed to influence contemporary politics. They appear to be statements of opinion on the part of the writer, opinion that the author wanted to make public but without doing so too obviously.

Three works have survived completely (at least as far as we are aware): the *Commentariolum petitionis* (*Handbook on electioneering*), the first letter to Quintus Cicero by his brother Marcus (on the good governor), and Sallust's letters to Caesar.<sup>171</sup> However, these are not isolated examples, since there are mentions of similar works. Varro wrote to Pompey on the workings of Roman government, specifically on senatorial procedures (*Eisagôgikos*), in

<sup>167</sup> Cicero's speech against Metellus Nepos, in a *contio*: Gell. 18.7.7; Quint. 9.3.50; Metellus Celer's complaint: Cic. Fam. 5.1; Cicero's answer to it: Cic. Fam. 5.2. Both Celer's and Cicero's letters are fully preserved.

<sup>168</sup> D.C. 37.42. <sup>169</sup> D.C. 37.43.2.

<sup>170</sup> See RE Suppl. V, p. 204, s.v. Epistolographie (Sykutris), from Cato the Elder's letter to his son to Seneca's letters to Lucilius.

<sup>171</sup> On the *Commentariolum petitionis*, see Henderson 1950; Richardson 1971; David 1973; Duplá, Fatás, and Pina Polo 1990; Laser 2001. On Cic. QF. 1.1.: Fallu 1970. On Sallust's letters, see Chouet 1950; Fraenkel 1951 (review of the authenticity problem). Syme 1964, Appendix II, ruled out their authenticity and considered them a rhetorical exercise from the Early Empire. However, see, Duplá, Fatás, and Pina Polo 1994 for arguments in favour of Sallustian authorship.

71 BC. Even so, the character of this later work could also have been that of a *commentarius*, rather than an open letter, and it was recopied at least until the second century AD, when Gellius was able to read it.<sup>172</sup> Cicero's painstaking letter to Caesar, written after the civil war, is only mentioned in the sources, though the whole process behind its composition is recorded.<sup>173</sup>

Open letters became more common during the civil war. In the decades beforehand, they had been used mainly as a complementary method, used at times when politicians could not present their views from an official point of view, be it in the Senate, at a *contio*, or at any other political gathering, particularly in moments of political confusion. The situation in 49 BC was exceptional in terms of its effect on the communication of public opinion. Habitual channels of communication broke down because of the war: the two sides were established, sociability in Rome disappeared, and the coming and going of news was curtailed. Many private letters actually became open letters. At the beginning of the war, Cicero sent a letter to Caesar in which he tried to explain his position. Warned that the latter had sent it to various parties, the orator asserted that he did not mind if his letter was even read out loud in a *contio*.<sup>174</sup> During those confusing moments, such letters served as statements of opinion; for instance, Caesar and Pompey exchanged some letters in which they tried to negotiate. Cicero commented that Pompey's reply had been actually written in order to be displayed, and mentioned unfavourably Pompey's choice of the writer, Sestius, who, in the orator's opinion, was not up to the task.<sup>175</sup> With normal channels of communication cut off, letters, often private, became part of political literature.

### 5.2.3 *Memoirs and Historical Writings*

Did memoirs form part of political literature? Autobiography and memoirs in the Roman world have been a much-discussed topic in recent years.<sup>176</sup> Most biographical texts, or mentions of them, appeared from the Middle

<sup>172</sup> Gell. 14.7. Kumaniecki 1974–1975.

<sup>173</sup> See pp. 93–95 on Cicero's indecision at the beginning of the civil war. On this letter see Rosillo-López 2011.

<sup>174</sup> Cic. Att. 8.9.1–2. On reading letters in *contiones*, see e.g. Liv. 24.14.3–10, Tiberius Sempronius Gracchus read in 214 in a military *contio* a letter from the consul Marcellus and the Senate (Pina Polo 1989: 329, n. 42). E.g. Pina Polo 1989: 141, 225 points out that letters were regularly read in military *contiones*, as a way of informing the soldiers.

<sup>175</sup> Cic. Att. 7.17.2.

<sup>176</sup> Sources in Chassignet 2004; Scholz and Walter 2013. On autobiography in antiquity, see Kurczyk 2006.

Republic onwards.<sup>177</sup> Autobiographies of the second century BC had a main characteristic: self-celebration.<sup>178</sup> Nevertheless, Riggsby has pointed out that the Romans distrusted the genre per se because of the *adrogantia* it entailed and the ethical difficulties it posed, since the reader could not discern whether the self-praise came from bad people or from good.<sup>179</sup>

Publius Rutilius Rufus, consul in 105 BC, wrote a *De vita sua* in at least five books, in which he discussed his condemnation *de repetundis*, linked more to political reasons than to actual extortion. In the same period, Q. Lutatius Catulus wrote a personal memoir in the style of Xenophon.<sup>180</sup> Sulla was probably the most important Roman politician to write his memoirs, in which he glorified and self-exculpated himself.<sup>181</sup> He was aware of the importance of this work for his legacy as a politician, since he was still working on it days before his death.<sup>182</sup> Although the text is lost, Plutarch used it heavily for his life of Sulla.<sup>183</sup> The *corpus Caesarianum* could be considered as an autobiography.<sup>184</sup> In 45, Marcus Fadius Gallus wrote a laudatory memoir of his friend Cato the Younger, just a year after his death.<sup>185</sup> Munatius Rufus, another friend of the deceased, did likewise, probably in a *Memorabilia* in the tradition of Xenophon.<sup>186</sup> For his biography, Plutarch apparently did not use Munatius Rufus' work directly, but knew it through the homonymous work of Publius Clodius Thrasea Paetus, the Roman Stoic and opponent of the emperor Nero.<sup>187</sup>

Remains of the memoirs of other Romans have only persisted as scattered mentions. Their character, relevance and circulation were probably very uneven. General Lucullus wrote a self-laudatory work, as did Aurunculeius Cotta, Caesar's legate in Gaul. Varro the antiquarian also added memoirs to his vast array of writings.<sup>188</sup>

Scholars have been puzzled by the low-to-nil survival of autobiographies. Tatum, for instance, attributes it to the fact that military glory was the main reason for this kind of writing; for this reason, only Sulla's and

<sup>177</sup> Riggsby 2007: 269ff.    <sup>178</sup> Candau 2011: 131–132.    <sup>179</sup> Riggsby 2007: 267–268.

<sup>180</sup> Hendrickson 1933 (an attempt of reconstruction); Kallet-Marx 1990 on the trial, and the fact that the whole tradition about Rutilius Rufus' innocence was based on his memoirs. On Catulus' memoirs, see Flower 2014.

<sup>181</sup> On Sulla's autobiography, see Lewis 1991 who attempts to establish the contents of the books; Smith 2009; Tatum 2011.

<sup>182</sup> Plut. Sull. 37.1.

<sup>183</sup> Attempts at a reconstruction of the text in Lewis 1991. The scope of distribution of the book is ignored; Tatum 2011: 163–174.

<sup>184</sup> Mayer 2011: 189–231.    <sup>185</sup> Cic. Fam. 7.24.1.    <sup>186</sup> Plut. Cat. Min. 37.1; Geiger 1979.

<sup>187</sup> Cat. 9.1–3. See Rawson 1985: 229; Geiger 1979: 48.

<sup>188</sup> Tatum 2011: 174–175; other Late Republican memoirs; on Cicero: *ibid.*, 175–181; on Varro: *ibid.*, 181–182.

Caesar's *commentarii* retained their value.<sup>189</sup> However, if we take into account the character of political literature, another reason emerges: as with all political literature, biographies were concerned with making an immediate impact, and were written for instant consumption, although also with posterity in mind. Later scholars might be interested in Varro's *Antiquities* or Cicero's speeches, which had an academic, literary and pedagogic supplementary value, but they would not be interested in works of self-praise. Obscurity was also a secondary reason: the memoirs of a legate of Caesar's in Gaul were not probably very much sought after, whereas Sulla had been an important politician who had remodelled the Roman constitution in the first century BC, which ensured that his work was recopied for a while, and was still available at least two centuries later, when Plutarch used it extensively.

Contemporary historical writing could also become a means to vent public opinion. In the year of Caesar's consulship, Cicero began a work that he named *anekdota*, a secret history of his time, or some kind of memoir.<sup>190</sup> It may be considered in the vein of Procopius' homonymous work, a secret history of Justinian and Theodora's reign. Cicero apparently used this text to express his anger against Caesar and Crassus. There are no hints that it was published during his lifetime, but it was never too far from his mind.<sup>191</sup> According to Dio Cassius, Cicero gave the book to his son, sealed, to be read and published after his death.<sup>192</sup> Asconius mentioned as title *Expositio consiliorum suorum*.<sup>193</sup> Jal has proposed that some of its contents were used in the *Philippics*.<sup>194</sup> Some excerpts might have circulated among friends and like-minded politicians.

#### 5.2.4 *Graffiti and Placards*

Milnor has pointed out the difficulties in ascertaining what graffiti meant for contemporaries.<sup>195</sup> The social and economic status of the graffiti writers has been long debated, with particular focus on the archaeological evidence of Pompeii. Harris, for instance, has adopted a range of 20–30 per cent for the literate population, which meant that the writers must have belonged to the elite.<sup>196</sup> Nevertheless, the volume of graffiti and variations in style and orthography suggest a wider spectrum of both

<sup>189</sup> Tatum 2011: 184.

<sup>190</sup> Att. 2.6.2; see RE, 2R, VII, A, c. 1268; Rawson 1982; Tatum 2011: 180–181; Scholz and Walter 2013: 146–148.

<sup>191</sup> Cic. 14.17.6; 15.3.2. See Jal 1963: 205. <sup>192</sup> D.C. 39.10. <sup>193</sup> Ascon. 83C. <sup>194</sup> Jal 1963: 206.

<sup>195</sup> Milnor 2009: 291–292. <sup>196</sup> Harris 1989: 259. See Franklin 1991 for criticism of this opinion.

writers and readers.<sup>197</sup> These kinds of texts had many aspects that aided their diffusion: they were short; the messages were not very complex (due to the length of the texts); they were located in visible places; and they could be read aloud in a very short time. Furthermore, due to their length, they could be remembered and repeated, assuring their spread and fulfilling the aim of the writer.

Graffiti as a form of popular political literature were already attested when Tiberius Gracchus became tribune of the plebs, during the passing of the agrarian law in 133 BC: 'However, the energy and ambition of Tiberius were most of all kindled by the people themselves, who posted writings on porticoes, house-walls, and monuments, calling upon him to recover the public land for the poor.'<sup>198</sup> Morstein-Marx has proposed the viewing of the graffiti as a representation of 'hidden transcripts', a concept based on James C. Scott's theory on dominant discourse. Scott argued that the dominant discourse is written down by the elite to reassert their legitimacy. Resistance, however, goes underground, and only emerges in 'hidden transcripts'.<sup>199</sup> Nevertheless, the fact that the probable writers (although not the only ones) did not belong to the elite should not imply that the character of the graffiti was always one of resistance to an official discourse: it was also a way of communicating opinion.<sup>200</sup>

Tiberius Gracchus' proposal of land distribution was as much part of the official discourse as his opponents' view. Thus, could we argue that a graffito is a means of resisting a dominant transcript, when in fact writing on a wall is just participating in a political situation and its discussion, taking one side or another? As this study attempts to show, graffiti were not the only form of bottom-up political communication. People were perfectly able and equipped to make their opinion circulate, even right up to the top, through rumours, political nicknames, popular verses and so forth.<sup>201</sup> With a few exceptions, the relationship between elite and popular communication was characterised not by confrontation or by collaboration, but by a complex and fluid interplay.

Only ten years later, after the death of his brother Caius and the massacre of his followers, the consul Opimius was charged with the erection of a temple to the goddess Concordia. The original temple had been built to commemorate the peace between plebeians and patricians

<sup>197</sup> Milnor 2009: 292, n. 9.      <sup>198</sup> Plut. Tib. Grac. 8.7.

<sup>199</sup> Morstein-Marx 2012: 193–197; see Scott 1990.

<sup>200</sup> Morstein-Marx 2012: 202, which terms it 'plebeian communicative agency'.

<sup>201</sup> On nicknames as an expression of popular political culture, see Rosillo-López 2017b.



after the Aventine secession, so it had strong plebeian connotations.<sup>202</sup> The anger and opinions of the people were vented in a graffito written on the temple at night: 'An act of madness made the temple of Concordia.'<sup>203</sup> This popular act of disagreement was a criticism of the manipulation of traditional plebeian symbols by the elite. In this case, the expression is more one of dissent, and Morstein-Marx has argued in the sense of the 'hidden transcripts' in that, since it was done at night, it was covert.<sup>204</sup> However, this graffito is also exceptional, in the sense that it was not done within the framework of a normal political discussion, and at a time of peace, but in the aftermath of the massacre in the Aventine Hill of Caius Gracchus and his followers. Such an extremely repressive political incident was not common during the Late Republic, since it went well beyond a simple skirmish in the Forum with a few wounded people as a result.<sup>205</sup> In fact, these assassinations could only be equated to those that took place during the civil war between Marius and Sulla and during the proscriptions.<sup>206</sup>

This kind of popular political literature is also attested in the 40s, when graffiti appeared at Brutus' tribunal, making allusions to his namesake, the founder of the Roman Republic, and probably encouraging one of the most flagrant misreadings of public opinion in the Late Republic.<sup>207</sup> The conspirators assumed that Caesar's popularity was on the decline, and acted as such, expecting to be cheered on and supported by the people. However, they had oversimplified the actual public opinions, which were not one but several, and reality slapped them in the face.<sup>208</sup>

However tantalising these examples are, as in other instances with graffiti, Milnor's suggestion about their nature should be stressed: 'Each text is unique, written by a single hand, in a single place, at a single moment in time.'<sup>209</sup> In the case of political graffiti, another feature should be noted: that of having a purpose in mind. The person who wrote on the walls of the Temple of Concordia had an opinion to express and decided to do so using a durable means. Thus, graffiti were part of political literature as described at the beginning of this section: they referred to an immediate situation, which they criticised or praised; their objective was to take active part in that discussion (that is, by expressing their public opinion); and

<sup>202</sup> Marco Simón and Pina Polo 2000b: 269–278.

<sup>203</sup> Plut. Cai. Grac. 17.8–9 (the wordplay in Latin was probably *vecordia-concordia*); see August. De civ. Dei 3. 25. See Morstein-Marx 2004: 102–103.

<sup>204</sup> Morstein-Marx 2012: 197–199. <sup>205</sup> See Lintott 1968: 175–204. <sup>206</sup> See Hinard 1985.

<sup>207</sup> D.C. 44.12. Thorough discussion in Morstein-Marx 2012: 204–214. Actually, as Pina Polo 2006: 80 has rightly pointed out, Lucius Junius Brutus overthrew a regime, but did not murder a king.

<sup>208</sup> See pp. 187–194.

<sup>209</sup> Milnor 2009: 309, as a conclusion of her discussion about graffiti with excerpts from the *Aeneid*.

they were of a public nature, written where all passers-by could see them (in the case of Rome, mostly in the Forum). They were not, however, always controversial: in fact, they were part of the working mechanisms of the circulation of public opinion, at different levels. The Republican sources do not treat the sporadic references to graffiti as exceptional, even though the main source, Cicero, barely mentions them.<sup>210</sup> Nevertheless, this absence should not determine our perspective: Cicero, who was very much focused on elite public opinion and the courts, barely spared a glance for brokers of public opinion in Rome. As noted in the introduction, Caelius provided a much more detailed picture of these mechanisms, even mentioning some that are totally absent from the sources, such as *susurratores* (although graffiti are not mentioned).

Pamphlets or writings, *libelli*, could not only be distributed or read or recopied but also posted up for everyone to see. In this respect, these placards came close to oral verses or even graffiti. Shortly before Caesar's murder, the entrance of new senators to the Senate was a point of polemic. The officials had been appointed directly by the dictator, and some Romans criticised them for being from outside the city: 'Let no-one consent to point out the Curia to a new senator.'<sup>211</sup> Suetonius did not mention exactly where those writings were located. They were not graffiti, since the biographer clearly stated *libellus*.

The use of placards or public announcements is attested for the same period. For instance, when Caesar as dictator wanted to recommend his own candidates for magistracies, he sent his advice to the tribes by way of these *libelli*: 'And these he announced in brief notes like the following, circulated in each tribe: 'Caesar the Dictator to this or that tribe. I commend to you so and so, to hold their positions by your votes.'<sup>212</sup> Juvenal mentioned that these *libelli* as placards could be pasted on the *porticus*, the colonnade.<sup>213</sup>

This means of expressing public opinion was also found outside the city of Rome. During the stay of Mark Antony in Athens, the Athenians, wanting to court his favour, offered him Minerva in marriage. The triumvir asked for a thousand talents as dowry. This request sparked public anger, which was expressed through *libelli* and also through graffiti: 'When

<sup>210</sup> Cic. De Orat. 2.240, but the meaning of the passage is not clear (see Morstein-Marx 2012: 214, n. 91).

<sup>211</sup> Suet. DI 80.2: 'ne quis senatori novo curiam monstrare velit'.

<sup>212</sup> Suet. DI 41.2: 'Et edebat per libellos circum tribum missos scripturas brevi: 'Caesar dictator illi tribui. Commendo vobis illum et illum, ut vestro suffragio suam dignitatem teneant'.

<sup>213</sup> Juv. 12.100–101: 'legitime fixis uestitur tota libellis / porticus'.

the sum was demanded, several abusive *libelli* were put about and some even reached the eyes of Antony himself: for example, the one written on the base of a statue of his because he had both Octavia and Cleopatra as wives: “Octavia and Athena to Antony; take your property”.<sup>214</sup> This last sentence made reference to the Roman formulation for divorce. The anecdote was still in memory in Seneca the Elder’s time. These posted *libelli* therefore acted as alternatives or complements to the graffiti on Roman walls. We are at loss, however, as to the size of the *libelli* or whether they were any more visible than graffiti. The nature of the texts in the *libelli* does not seem to have been very different from the graffiti: one or two sentences were considered enough to convey a message effectively.

This long enumeration does not exhaust the variety of forms that political literature in prose could take, sometimes even in unexpected ways. Well-known epigrams (*sententiae*) were also common in the Late Republic for voicing public opinion. In one of Seneca the Elder’s rhetorical treatises, the orator Albucius mentioned four of them, probably dated to the 40s, after the death of Caesar: ‘any of the triumvirs who does not hate you finds you a burden’;<sup>215</sup> ‘ask, Cicero, and implore one man, only to become the slave of three’;<sup>216</sup> ‘when you come before Antony, Cicero, you will beg – to die’.<sup>217</sup> ‘Why do we lose heart? The republic too has its triumvirs’, with a reference to Brutus, Cassius, and Sextus Pompeius.<sup>218</sup> In this case, the epigrams survived because of oral memory. Seneca was probably born in the mid-50s, so he was only 15 to 20 years old when the civil war of the 40s took place. Furthermore, Seneca wrote a history of Rome from the civil wars until his own death at the beginning of the 30s AD, published by his son.<sup>219</sup> Seneca thus reflected on this period, which shows in the number of references to otherwise lost works that were in circulation in the 40s to 30s BC, such as Dellius’ letters to Cleopatra, or these very epigrams.<sup>220</sup>

During Caesar’s consulship, his colleague Bibulus tried to block every measure that he could. After many debates in the Senate and attacks in the

<sup>214</sup> Sen. Suas. 1.6: ‘Quae cum exigenterentur, conplures contumeliosi libelli proponebantur, quidam etiam ipsi Antonio tradebantur: sicut ille qui subscriptus statuae eius fuit cum eodem tempore et Octaviam uxorem haberet et Cleopatram: “Oktaouia kai Athēna Antōniō”: res tuas tibi habe’.

<sup>215</sup> Sen. Suas. 6.9: ‘si cui ex triumviris non es invisus, gravis es’.

<sup>216</sup> Sen. Suas. 6.9: ‘roga, Cicero, exora unum, ut tribus servias’.

<sup>217</sup> Sen. Suas. 6.10: ‘u mehercules, Cicero, cum veneri ad Antonium, mortem rogabis’.

<sup>218</sup> Sen. Suas. 6.11: ‘quid deficiamus? et res publica suos triumvires habet’. This last epigram was especially admired by Cassius Severus, a contemporary rhetor known for his love of the Republic and his rabid rhetoric, which caused him to end his life in exile. On the historical context of this epigram, see Welch 2012: 163–202.

<sup>219</sup> Sen. fr. 98 Haase. <sup>220</sup> On Seneca the Elder’s young years, see Fairweather 1981: 3–8.

*contiones*, he decided to shut himself in at home and proclaim adverse omens. Nevertheless, political business appears to have continued: ‘from that time on, Caesar managed all the affairs of state alone and after his own pleasure; so that several witty people, pretending for the sake of a joke to sign and seal testamentary documents, wrote “Done in the consulship of Julius and Caesar,” instead of “Bibulus and Caesar”, writing down the same man twice, by name and by surname’.<sup>221</sup> These witty people, *urbani*, an adjective frequently used in this sense in the Late Republic, were especially linked to places and occasions of heavy exchange of information: conversations, banquets, and *contiones*.<sup>222</sup> They probably produced fake wills, which would be recopied or read in public. We are at a loss as to the venue, but it could have been a dinner or any public reading. Wherever it was, it was another instance of the expression of public opinion through writing.

Another kind of political writing existed in Rome in relation to the circulation of information: these are mentioned as *commentarius rerum urbanarum*, *acta*, *acta urbana*, *acta rerum urbanarum* and *res urbanas actaque omnia*, at least by Cicero.<sup>223</sup> Cicero described the *acta rerum urbanarum* as a usual way to keep informed about politics and everything happening in Rome whilst away in the provinces.<sup>224</sup> When Cicero left for Cilicia, his friend Caelius took to heart the task to keep him up to date. In several bundles of letters, he sent information, which he called *commentarius rerum urbanarum*.<sup>225</sup> The first report did not travel with his letter, but was handed to L. Castrinius Paetus. Either Caelius sent them separately to minimise the risk of losing them, or the timing of the writing was different.

Their existence and contents have been the subject of much debate; depending on the scholar, they may or may not coincide with the *acta diurna*, established by Caesar in 59 BC as a way to report the laws, and the debates and decisions of the Senate.<sup>226</sup> Furthermore, the fact that the *acta diurna* continued during the Principate, although they stopped reporting

<sup>221</sup> Suet. DI. 20. 2: ‘Unus ex eo tempore omnia in re publica et ad arbitrium administravit, ut nonnulli urbanorum, cum quid per iocum testandi gratia signarent, non Caesar et Bibulo, sed Iulio et Caesare consulibus actum scriberent bis eundem praeposcentes nomine atque cognomine’. Public verses along these lines are also mentioned (Suet. DI. 20.2)

<sup>222</sup> E.g. Cic. Fam. 9.15.2 (‘homines lauti et urbani’). The most complete ancient definition places these *urbani* in context of clear political socialisation: Quint. 6.3.105. See [chapter 2](#).

<sup>223</sup> Mastino 1978: 24–25.

<sup>224</sup> Cic. Fam. 12.28.3. A compendium of all mentions of *acta urbanarum* in literature in Mastino 1978: 21–24.

<sup>225</sup> Cael. in Cic. Fam. 8.2.2; 8.11.4. <sup>226</sup> Suet. DI. 20.1.

about the Senate and turned into an organ for self-propaganda of the emperors, does not help to clarify the question.<sup>227</sup> Pliny included the *acta* in his bibliographies (books 7, 8, and 10), and cited them several times.<sup>228</sup> Carcopino and Jal, amongst others, considered the *acta diurna* as a tool at the service of power, as official propaganda from above, and as a way to influence public opinion.<sup>229</sup> The authenticity of fragments of the *acta diurna*, published in 1615 by the antiquarian Pighius, has divided scholars. The text narrates events from 168 BC, but the actual writing of the text that was preserved, if not a forgery, would probably have come from Augustan times. These fragments were mentioned by other historians such as Justus Lipsius and Juan Luis Vives. However, the absence of evidence about the monument from which they were taken fosters doubts, and some anachronisms support these hesitations.<sup>230</sup> Lintott, after many doubts, considers them, sadly, as a forgery, as does Fowler.<sup>231</sup> In fact, the erudite scholar Juan Luis Vives, much learned in Roman history and language, could be the best candidate for the author.<sup>232</sup>

The identification of the *commentarius rerum urbanarum* with the *acta diurna* has been proposed. Nevertheless, the evidence is inconclusive and not contemporary. Caelius' report included not only the deliberations of the Senate but also gossip and rumours. The *commentarius rerum urbanarum* seems to have been produced by unknown specialists, and then recopied by scribes in order to be sent to members of the elite who were away from Rome. When Caelius mentioned that the *operarii* were writing it, he probably made an allusion to the scribes who copied it, but not to its compilers. Depending on what kind of information he was sending, a scribe could recopy an edict or a *senatus consultum*, but not have access to rumours and gossip. The author, mentioned by Cicero in his reply, seems to have been a Chrestus (*Chresti compilationem*).<sup>233</sup> He had been identified as Caelius' agent, which is highly unlikely due to the nature of Caelius' first letter. Caelius stated that he had found a man to do it and that he had paid. He could have been an independent agent, learned in Roman daily politics and gossip, thus frequently found at the Forum. Furthermore, he was someone considered reliable enough in his information by Caelius and

<sup>227</sup> See Ando 2000: 165–168; Croke 1990; Bats 1994; RE, s.v. *acta* (Kubitschek). Baldwin 1979: 190 suggests that Caesar regularised something that had already appeared occasionally and less widely.

<sup>228</sup> Plin. NH 2.147. <sup>229</sup> Jal 1963: 159.

<sup>230</sup> See Lintott 1986: 224–225, who points out that these errors could be attributed to the text being a product of Augustan historiography; Fowler 1988: 262–263 indicates another anachronism that builds the case against authenticity.

<sup>231</sup> Lintott 1986: 213–228; Fowler 1988. Text in Lintott 1986: 214–216.

<sup>232</sup> Lintott 1986: 225–226 argues the case for him. <sup>233</sup> Cic. Fam. 2.8.1.

Cicero. Caelius was well acquainted with the brokers of news and opinion in the Forum: in fact, his letters provide us with terms for circulators of public opinion that were hitherto unknown, such as *susurratores* and *subrostrani*.<sup>234</sup> However, White and other scholars take a more sceptical view, noting that *compilatio* is a Ciceronian hapax. Therefore, they understand ‘*Chresti compilationem*’ as theft committed by a slave, rather than as a medium of news.<sup>235</sup>

In 48 BC, we find another example of Roman politicians using that source of information, when Cicero again referred to the *rerum urbanarum acta*, which he knew was being sent to his friend Cornificius. One of the questions is whether the author of the work was still Chrestus or whether there were multiple *acta* or *commentarii* available. Regardless of the author, it was probably not an official report. Caesar’s *acta diurna* were official, but the presence of rumours and gossip in the *rerum urbanarum* indicates that the material could not have come from official sources, which would not be sufficiently impartial to privilege gossip in favour of, or against, some politicians.

Further knowledge about the *acta rerum urbanarum* cannot be gleaned from the sources. We are still at a loss about their scope of circulation, whether they were private bespoke reports for friends abroad, or texts compiled to be sold. The presence of rumours and gossip, however, makes them important for the circulation of information and public opinion. They constitute a borderline case of political literature, since the scarcity of the sources does not give grounds to argue that they had the object of influencing public opinion, even though their choice of rumours and political problems probably did so.

In conclusion, political literature is a concept that brings together a variety of texts with the objectives of circulating information and influencing public opinion. These writings were relevant to the political situation of the time, and featured not only criticism but also praise. They were distributed within a relatively wide circle, regardless of the identity of their authors. Finally, they had a certain literary form and intention. This concept does not only include written public opinion but also borderline cases, such as popular verse, with huge catchment power, in that they were very well suited to being repeated. Political literature, however, is subject to the paradox of transmission: the immediacy that made a work successful in its time would make it unworthy of being recopied, because it was too dated and too stuck at a fixed point in time, and therefore not of timeless interest.

<sup>234</sup> *Susurratores* and *subrostrani* (Fam. 8.1.4). See [section 6.3](#) on disseminators of news.

<sup>235</sup> White 1997: 74, n. 3. Shackleton Bailey translates it in this sense.

This chapter has reviewed political literature, which was previously scattered among different genres. It contained a mixture of high (elite) literature and also that of more popular character (popular verse, graffiti). Both had the same objectives (to participate in politics and get involved with public opinion) and sometimes used similar strategies. Political misbehaviour or criticism of sexual mores was found in popular verses that circulated around the city or in carefully crafted speeches delivered in the Forum. Leaving aside the matter of their literary value, a speech of Cicero in which he accused Clodius of committing incest with his sister or the *versus obscenissimi* about the same matter that were sung against him by the audience of a *contio* shared the same political objective and strategy. The boundaries in some of these cases were blurred: verses, for instance, crossed them, and occupied a middle point between oral and written public opinion. Witty verses could criticise political decisions, such as the election of new senators by Caesar or Ventidius Bassus' rising career from rags to riches. Sometimes they circulated through oral means, but they also could be inscribed on walls around the city, becoming graffiti. Their sticking power was therefore probably much higher.

Political literature in verse or prose allowed ideas and opinions to reach much further than the physical presence of their author. It eschewed the categories of time or space, since readers or listeners did not actually have to be present at the exact moment or at the exact place at which a speech was delivered. They could be at work, at leisure or even outside Rome. Furthermore, the use of the concept of 'political literature' allows us to solve the terminological problem of categories such as 'pamphlets' or *libelli*, which cover different kinds of works and which have puzzled scholars due to their apparently inconsistent use in the sources.

This analysis of political literature paints a picture of a complex political work, in which the acquisition of literacy could be an advantage, but lack of it did not exclude someone entirely from an active role in the public sphere or from the expression and circulation of public opinion through political literature.

Despite the fragmentary nature of the sources, can we identify an increase in the use of political literature? The abundance of sources for the final decades of the Republic and especially the period of the civil wars would point to such a conclusion. However, many works, whose fragments or references have come down to us, only did so because they attacked someone important and, thus, were used as sources by later historians or biographers. For this reason, Caesar is the politician about whom the largest number of pamphlets and verses has been preserved. Sources offer



us a glimpse of the fact that other less renowned people were also the objects of such literature.

However, the situation evolved. By Ciceronian times, political literature was already composed of vicious abuse and the slander of contemporaries, all of which was accepted as part of the political game. The previous century had seen reticence in some cases to criticise living people, and even accusations of slander in courts. Such changes allowed the boom of political literature, which could then engage in contemporary politics, and thus become more relevant. Furthermore, political literature bridged distances in a constantly increasing empire. For this reason, the period of the civil wars of the 40s was especially prolific; by that time, such literature had become a powerful weapon, and political players were scattered across the Roman territories and beyond. Political literature eschewed geographical distance and enabled communication.

Political literature was therefore an active element of Roman politics. It was a system of communication, but not exclusively for the elite. The rest of the citizens used it, to different degrees, and had a fair amount of leeway in their use of it. Morstein-Marx has recently proposed the term 'plebeian communicative agency', exemplified by the graffiti, as: 'The ability both to resist and critique the dominant, elite discourse, and to initiate communication rather than solely responding with applause or shouts to the prompting of senatorial speakers, as in the *contio*.'<sup>236</sup> Thus, anonymous graffiti, often written at night, could form part of these attempts to communicate 'bottom-up'. He concludes that graffiti seem to have been a common feature of the political landscape. Nevertheless, he asserts that they were a kind of 'background noise' that the elite would prefer not to hear.<sup>237</sup>

Scott's 'hidden transcripts' and the oppositional ideology that lurks behind a facade of acquiescence, as proposed by Morstein-Marx, have been useful in understanding relationships of power and the political nature of the Roman Republic. However, popular public opinion superseded these 'hidden transcripts': plebeian public opinion was frequently open and undisguised; it often went along with elite opinion, and no presumption of constant opposition should be made; however, in many other cases, popular public opinion did oppose elite public opinion openly, through gossip, rumours, verses, and shouts in the streets, along with the already well-known clapping or shouting in the theatre or at the games. Despite trying to impose their own opinions, senators occasionally decided

<sup>236</sup> Morstein-Marx 2012: 192.

<sup>237</sup> Morstein-Marx 2012: 214–215.



to play along with popular public opinion in their own interests, transforming themselves into 'champions of the people'. Thus, popular public opinion was not exactly a 'hidden transcript' or the occasional emergence of a discourse of resistance. With the exception of some cases, the relationship between elite and popular communication was characterised not exclusively by confrontation or collaboration, but by a complex and fluid interaction.

Together with sociability, and the complementary circulation of information by oral means (essentially through rumours and gossip), political literature created and propagated public opinion within the public sphere. It formed part of the standard workings of the Roman political system during the Late Republic.

## *Groups and Agents of Public Opinion*

Public opinion was a conglomerate of different public opinions, which would sometimes agree, or be pushed to agree, and become one; on other occasions, they would disagree and remain disaggregated. For instance, when in 44 BC Octavian accused Mark Antony of being part of a conspiracy, people reacted in different ways, with at least three different opinions being recorded in a *contio*.<sup>1</sup> This plurality gives richness to a study of public opinion and characterises real political life. Roman Republican politicians were aware that political life was composed of different groups and actors of public opinion. From time to time, they would try to eliminate them, claiming the need for a single public opinion. Nevertheless, public opinion by its nature, and certainly so in Rome, was not singular but varied.

In fact, one of the main problems in the study of Republican politics is that of determining who actually belonged to the groups that are mentioned by the sources. Several historians have attempted to trace the social, political, and economic composition of these groups, with mixed results.<sup>2</sup> Veyne aimed to identify a *plebs media*, with a well-off lifestyle, in opposition to a *plebs humilis*, that is, those who had to earn their daily living.<sup>3</sup> *Plebs media* represented a class with a small to sizeable fortune, but which did not belong to the equestrian or senatorial groups; a class of landholders living in the city, who might have a shop.<sup>4</sup> For the ancient authors, this was the group that mattered. Courrier considers it as a part of the 'exclus prestigieux', a part of the elite outside senatorial and equestrian circles, whose wealth excluded them from the rest of the population, and who tried to imitate the aristocracy.<sup>5</sup> This group thus attests to the variation within the concept of the plebs.

<sup>1</sup> App. BC. 3.39.    <sup>2</sup> See Jehne 1995; Mouritsen 2001.

<sup>3</sup> On the different concepts: *plebs humilis* (Plin. NH. 26.1.3); *plebs sordida* (Tac. Ann. 1.4); *plebs misera et ieiuina* (Cic. Att. 1.16.1); see Veyne 2000: 1170–1171.

<sup>4</sup> Veyne 2000: 1172–1178, for a discussion of the definition of *plebs media*.

<sup>5</sup> Courrier 2014: 299–365.

However, the composition of the groups is not the only important issue. Interest in their identification is related to the supposed representation of the groups, in regard to the bigger picture of Roman politics. Nevertheless, was a group or an assembly allegedly more representative and, therefore, more legitimate because dozens or hundreds of *plebs media* or *equites* were involved? Why should we regard it as a more legitimate and representative section of the Roman people if more artisans, for instance, participated? In any case, sources are neither objective nor explicit, which makes the task of identifying the persons inside the groups more difficult. The *miseri* of one day could become the rightful citizens of another, according to the viewer. Furthermore, elite sources tended to oversimplify, willingly or out of sheer ignorance or lack of interest, the various divisions among the rest of the citizens.

This task is further complicated if we hold the assumption that groups were immutable over time, that the *boni* of the 60s were the same as the *boni* of the late 50s, or that the substantive *populus* was always applied to the same people. It was seldom the case. Curio was the great hope of the *boni* in 59 BC, and a supporter of Caesar just ten years later. Roman Republican politics were characterised by, in most cases, short alliances over a particular issue, which may or may not dissolve when the issue was concluded or was no longer relevant. Following an analysis of political groups after the dictatorship of Sulla, Brunt concluded that the sources do not present big political groups as being organised around a leader or tied by friendship or familial ties.<sup>6</sup> There were short-lived political alliances, based on individuals who took punctual decisions about specific issues.<sup>7</sup> Nevertheless, this conception about politics does not mean that those decisions were not determined by family ties, by friendship ties, by political feelings, or even by individual interests.<sup>8</sup> Thus, no political group would permanently have supported the triumvirs Caesar, Crassus, and Pompey, or even just the latter. These groups would have been formed by individuals who accommodated themselves to political realities and offered their dynamic support.<sup>9</sup> This premise involves the Roman elite, of course, but it could also be applied to the *plebs*.

This chapter proposes that the study of the agents of public opinion should not only be centred on the occasions on which channels of communication failed or the elite decided not to pay attention to them, and

<sup>6</sup> Brunt 1988: 470–488; 502.

<sup>7</sup> See RE s.v. *populares* (Meier) 1965 on the fluid political system based on issues, while disagreeing with the scanty role he gave to the people.

<sup>8</sup> Brunt 1988: 470. <sup>9</sup> Brunt 1988: 473–474; 480–481.

a riot or a confrontation erupted. Looking at everyday political life, these incidents were rare. Political confrontation between different groups of opinion did not invariably lead to conflict. Public opinion and the circulation of information depended much upon negotiation. According to the political circumstances of each case, groups either fragmented even more or rallied under a single idea, sometimes under the aegis of a top or intermediate leader.<sup>10</sup> It was not an issue of the composition of masses, but of demonstrating the sheer variety of these groups.

Finally, knowing and identifying the strengths of the different groups of public opinion was an essential skill for any Roman politician to be able to navigate the waters of Roman politics. A mistake in this matter might have a disastrous effect on one's career. During the Ides of March, the murderers of Caesar read the different public opinions incorrectly, and saw their political options crumble instead of being proclaimed liberators of the *res publica*. In a context of uncertainty, such ability was essential in order to ensure political survival.

### 6.1 Groups of Public Opinion

Public opinions, and the groups that discussed them, were a constant in Roman politics, especially in heated moments. When away from Rome, Cicero was happy to receive Atticus' letters, full of rumours and various views.<sup>11</sup> Other authors mentioned diverse opinions within the people, without specifying the composition of the groups; for instance, when expressing the dilemma of supporting Marius or Sulla: 'The people were divided in opinion (*diesté*), some preferring Marius, and others calling for Sulla and bidding Marius to go the warm baths at Baiae and look out for his health, since he was worn out with old age and rheum, as he himself said.'<sup>12</sup>

When describing Roman Late Republican politics, the main division is usually established between *optimates* and *populares*.<sup>13</sup> Firstly, this division only describes the Roman elite, leaving popular opinions aside completely. Secondly, it is based mainly on the narrative by Cicero on the *Pro Sestio*, a speech in which he intended to acquit Sestius by establishing a simplified dichotomy of politics. Robb has suggested that the rationale behind the division was to separate Clodius from the crowd of good men.<sup>14</sup> On other

<sup>10</sup> Vanderbroeck 1987: 23–43 (top leaders); 34–52 (assistant leaders); 52–64 (intermediate leaders).

<sup>11</sup> Cic. Att. 2.15.1. <sup>12</sup> Plut. Mar. 34.1.

<sup>13</sup> See Seager 1972; Mackie 1992; a recent survey of the question in Robb 2010.

<sup>14</sup> Robb 2010: 55–68.

occasions, the sources display a considerable number of groups of opinion, both within elite and within the people, of shifting composition and designation, attesting to the variety of public opinions present in Roman politics. Even if their nuances are on many occasions lost to us, they were significant for, and intelligible to, Late Republican politicians.

In 61 BC, Pompey delivered a speech in a *contio*. In a letter to Atticus, Cicero pointed out the reactions of the audience: 'I have already written and told you what Pompey's first public assembly was like. The poor did not relish it, the bad citizens thought it pointless, the rich were not pleased with it, and the good citizens were dissatisfied: so it fell flat.'<sup>15</sup> This text presents four groups of opinion, together with four different reactions. They were polarised into two antithetic sets: poor/rich citizens (*miseri/beatī*) and bad/good citizens (*improbi/boni*). These groups were not only rhetorical and literary constructions; *improbi* and *boni* described circles of fluctuating composition. *Boni*, regularly used as synonym for *optimates*, is one of the groups more frequently mentioned.<sup>16</sup> Cicero employed these or similar general categories to cover the whole political spectrum. For instance, in 59 BC, he described the political situation, expressing the dissatisfaction of three categories, *vulgi*, *honesti*, and Italy: 'But now I am afraid they have been roused to energy by the hisses of the crowd, the talk of the honourable and the murmurs of Italy.'<sup>17</sup> Interestingly, Italy was included as expressing an interest, probably referring to the influential local and regional elites. In the same letter, Cicero insisted on Caesar's isolated and unpopular position, polarising public opinion into two groups: 'The *boni* are his enemies, the very wicked (*improbi*) not his friends.'<sup>18</sup> When refusing to defend Antonius Hibrida, his colleague in the consulship, Cicero pretended that two opinions prevented him from doing so: that of the *boni* and that of the people.<sup>19</sup> The last excuse, that he did not want to do it, was probably the one that weighed most, since rumours circulated in Rome stating that Antonius' extortions also benefited his former colleague, and Cicero wanted to disprove them.<sup>20</sup> On many occasions, the divisions that Cicero mentioned were twofold: *boni* and plebs or *boni* and *multitudo*, that is, elite and the mass of the people.<sup>21</sup>

<sup>15</sup> Cic. Att. 1.14.1: 'Prima contio Pompei qualis fuisset, scripsi ad te antea, non iucunda miseris, inanis improbis, beatīs non grata, bonis non gravis; itaque frigeat'.

<sup>16</sup> See Robb 2010.

<sup>17</sup> Cic. Att. 2.21.1: 'nunc vero sibilis vulgi, sermonibus honestorum, fremitu Italiae vereor ne exarserint'.

<sup>18</sup> Cic. Att. 2.21.3: 'bonos inimicos habet, improbos ipsos non amicos'. <sup>19</sup> Cic. Att. 1.12.1.

<sup>20</sup> Cic. Att. 1.12.2. Antonius was convicted *de repetundis* in 59 BC (Cic. Cael. 74; Vat. 27–28; DC. 38.10.3–4).

<sup>21</sup> Cic. Att. 4.1.6 (*boni* and *plebs*); Cic. Fam. 12.23.2 (*boni* and *multitudo*).

Divisions among the elite may have been more carefully surveyed because Cicero found them politically more useful. In fact, he occasionally assumed that the common people would not receive any news about dissension or different groups of opinion within the elite.<sup>22</sup> When commenting on the support that Pompey had forfeited, Cicero mentioned the lack of support of the *contionarius populus*, the *nobilitas*, the Senate, and the *iuventus*.<sup>23</sup> Three groups described the elite; the rest of the citizens were just merged together under one big concept and one single opinion.

Cicero's generalisation could cover the whole plebs, with manifest contempt and disapproval. In 61 BC, he boasted to Atticus about his popularity after the exculpatory sentence of Clodius in the Bona Dea affair, when everybody thought he would be condemned:

My own position is this. I have retained the influence I had, when you left, over good citizens (*boni*), I have gained much more influence over the sordid dregs of the populace than I had then. (. . .) Beside that blood-sucker of the treasury (*contionalis hirudo aerarii*), the wretched and starveling mob (*misera ac ieiuna plebecula*) thinks I am a prime favourite with the "great man" Pompey, and upon my soul we are upon terms of very pleasant intimacy – so much so indeed that these bottle-conspirators, these youths with budding beards (*barbatuli iuvenes*) in common talk call him Gnaeus Cicero. So both at the games and at the gladiatorial shows I have been the object of extraordinary demonstrations without hisses or catcalls.<sup>24</sup>

Veyne has identified the *misera plebecula* with Tacitus' *plebs sordida*, composed of people without resources, who bought their food every day and needed to work for a living.<sup>25</sup> Cicero frequently described in derogatory terms as *imperiti*, badly informed, groups that did not agree with his own opinion and did not suit his interests, such as those who believed that Milo would not go back to Rome after the murder of Clodius, or, quite clearly, the volatile *multitudo*.<sup>26</sup>

The final group also belonged to the elite. The *iuventus* designated young men starting out on their political careers. It grouped together the young sons of senators or *eques* who were fairly influential in Roman

<sup>22</sup> Cic. Phil. 12.16. <sup>23</sup> Cic. QF. 2.3.4. On the *contionarius populus*, see Meier 1980: 114.

<sup>24</sup> Cic. Att. 1.16.11: 'Noster autem status est hic: apud bonos iidem sumus quos reliquisti, apud sordem urbis et faecem multo melius quam reliquisti. (. . .) Accedit illud, quod illa contionalis hirudo aerari, misera ac ieiuna plebecula, me ab hoc Magno unice diligere putat; et hercule multa et iucunda consuetudine coniuncti inter nos sumus, usque eo ut nostri isti commissatores coniurationis, barbatuli iuvenes, illum in sermonibus Cn. Ciceronem appellent. Itaque et ludis et gladiatoribus mirandas episemasias sine ulla pastoricia fistula auferebamus'.

<sup>25</sup> Veyne 2000: 1170–1171; Yavetz 1958 on their living conditions; *plebs sordida* (Tac. Ann. 1.4).

<sup>26</sup> Cic. Mil. 62 (on Milo); Cic. Dom. 4 (*imperita multitudo*).

politics.<sup>27</sup> In the *Commentariolum petitionis*, for instance, Cicero is advised to gain their affection to win the elections.<sup>28</sup> He mentioned this group several times in his letters as a relevant group, aside from the Senate or other circles of opinion.<sup>29</sup> Among them, he highlighted the young Curio, whom he named *princeps iuventutis*.<sup>30</sup>

These types of analysis, snapshots of political moments, were common during the elections, when a candidate had to focus, identify, and gather his support. In 53 BC, when canvassing for Milo's consulship, Cicero explained to Curio the support of different political groups to his candidate, and the different reasons for their backing:

All these points are in our favour – the active support of the good citizens (*boni*), which his tribunate won for him, as I hope you understand, on account of his defence of my cause; the support of the man in the street (*vulgus ac multitudo*), on account of the magnificence of his public shows and the generosity of his disposition; the support of the young citizens (*iuventus*), and of men of influence in securing votes (*gratiosi in suffragiis*), due to his own outstanding popularity, or it may be his assiduity in that connection.<sup>31</sup>

Thus Cicero described two groups of opinion within the elite (*boni* and *iuventus*). The generalisation of the *iuventus*, again, is quite flagrant, described as a unified group without nuances of different groups of opinion within it. Interestingly, the *iuventus* was sought by Cicero in his canvassing for Milo for his ability to gather votes, mentioned at the same level as another group, the *gratiosi*. The latter were a more diffuse group, formed by people powerful enough to obtain votes on behalf of a candidate. Lintott has proposed their identification with leaders of *collegia* and *sodalitates*.<sup>32</sup> Yakobson has suggested that the *gratiosi* could be the *divisores*, bribery-agents of the tribes.<sup>33</sup> Finally, in an over-simplification, Cicero assured Curio that Milo's generosity had assured him of the support of *vulgi* and *multitudo*. Taking into account that Clodius was still alive and that, although he was not a magistrate, his supporters were still active in politics, Cicero's wishful thinking should not be considered as a reflection

<sup>27</sup> Hellegouarc'h 1963: 468–469. <sup>28</sup> Comm. Pet. 33. <sup>29</sup> See e.g. Cic. QF. 2.3.4; Att. 2.8.1.

<sup>30</sup> Cic. Vat. 24. This title would later be applied to a young male of the imperial house after receiving the *toga virilis*. See RE, s.v. *princeps iuventutis* (Beringer). On Curio in the late 60s–early 50s, see Dettenhofer 1992: 38–45.

<sup>31</sup> Cic. Fam. 2.6.3: 'Habemus haec omnia, bonorum studium conciliatum ex tribuatu propter nostram, ut spero te intellegere, causam, vulgi ac multitudinis propter magnificentiam munerum liberalitatemque naturae, iuventutis et gratiosorum in suffragiis studia propter ipsius excellentem in eo genere vel gratiam vel diligentiam'.

<sup>32</sup> Lintott 1974: 66–67. <sup>33</sup> Yakobson 1999: 93. On *divisores*, see Rosillo-López 2010: 65–68.

of the reality of Roman politics, but rather as the desire to highlight the widespread support that Milo enjoyed, so that Curio would join the canvassing for his consulship.<sup>34</sup>

Levels of opinion are interchangeable and dynamic, and usually do not stick to organised groups. In the important matter of applause, Cicero even makes the distinction between three groups: 'a summis, mediis, infimis'.<sup>35</sup> This tripartite seems to cover the whole of society, because it is used to express a situation of agreement of all the people, as when Cicero explained that Brutus' murder of Caesar was supported by the entire population.<sup>36</sup> Interestingly, all these occurrences are chronologically restricted to a time when the normal workings of the Roman Republic had been disturbed and civil war was looming or, later, rampant.

In many cases, the interests of the elite and plebs did not focus on the same matters. In 45 BC, news about P. Sulla's death circulated around Rome; the circumstances of his demise were unknown and provoked much talk. The elite were divided about the nature of his death and commented much upon it. In contrast, the people did not care at all about the deceased or the mystery and were absolutely uninterested in the matter.<sup>37</sup> In a letter to Quintus in December 54 BC, Cicero commented about the supposed attempt to name Pompey dictator: while the *principes* did not want it, he especially pointed out to disinterest of the people: *populus non curat*.<sup>38</sup>

Popular public opinions were more difficult to capture for the Roman elite, and thus their descriptions were sometimes lacking in depth and detail. The oversimplification of the different groups of public opinion of the people, unifying them in just one opinion, was standard in Cicero's political analysis. There are three possibilities: he did not care; he did not have the means to find out more; or he did not consider them important. Cicero described the power struggle in 43 BC, paying attention to different opinions within the elite, but dismissing the opinion of the whole Roman people and the entirety of Italy with the word *consensio*.<sup>39</sup> He did so similarly in the turbulent days of February 49 BC, at the beginning of the war:

<sup>34</sup> Cic. Fam. 2.6.4. On Clodian politics and his support among the *plebs*, see Gruen 1966; Lintott 1967; Benner 1987: 108–147; Tatum 1999.

<sup>35</sup> Cic. Phil. 1.37. <sup>36</sup> Other examples of its use in Cic. Phil. 13.45; Cic. Rep. 2.

<sup>37</sup> Cic. Fam. 15.17.2. P. Sulla was probably a nephew of the dictator. See Cic. Fam. 15.19.3; 9.10.3; Shackleton Bailey 1977: 175ff; Carcopino 1947: 160ff.

<sup>38</sup> Cic. QF. 3.9.3.

<sup>39</sup> Cic. Fam. 12.5.2–3: 'erat firmissimus senatus exceptis consularibus, ex quibus unus L. Caesar firmus est et rectus; Ser. Sulpicii morte magnum praesidium amisimus; reliqui partim inertes, partim improbi; nonnulli invident eorum laudi, quos in re publica probari vident; populi vero Romani totiusque Italiae mira consensio est'.



With reluctance I took charge of Capua, not that I would shirk the duty, but with the reluctance that one would have in a cause in which neither ranks nor individuals (*privati*) had expressed any feeling, though there was some feeling amongst the good citizens (*boni*), sluggish as usual. Besides, as I felt, the crowd and the dregs of the populace (*multitudo et infimus*) were inclined to the other side, and many were merely desirous of revolution.<sup>40</sup>

Again, popular public opinion was simplified, with no possibility of nuances, unless it was to emphasise the most radical part, which was eventually interested in change or in revolution (*mutatio*).

Nevertheless, elite and popular opinion could analyse the same circumstances, and arrive at different conclusions. In April 59 BC, Cicero was pondering the following year's elections, and requested Atticus' opinion on the possible outcome: 'This is what I am hoping to hear from you in our letter: (. . .) whether the popular report (*populi sermo*) is right in speaking of Pompey and Crassus as the favourites for the consulship, or a correspondent of mine who mentions Gabinius and Servius Sulpicius.'<sup>41</sup> Cicero did not mention the identity of the person who guessed correctly the name of one of the consuls of 58 BC, Gabinius, who would have Calpurnius Piso as his colleague. Cicero wanted and needed to know the outcome, presumably to be aware of how his future would pan out: whether he would have to deal with Pompey (and their on and off relationship) or with a staunch conservative like Sulpicius Rufus. Cicero seemed to be in touch with *sermo populi*, what the people said. Their choice was interesting. Pompey was a long-time favourite of the people; however, Crassus did not seem to have enjoyed such popularity. It may have been his association with Caesar or his liberality that tipped the impression of the people in his favour. Voters could have surmised that he would again hold a joint magistracy with Pompey, as he had in 70 BC. The *sermo populi* was not so disoriented, since Pompey and Crassus were finally elected consuls in 55 BC.<sup>42</sup> This mention of different levels of opinion, each seemingly quite well versed in politics, sometimes quite accurately, is important to understand the presence of public opinion in politics and how it shaped public discourse and attitudes.

In 48 BC, during the civil war, Caelius, a Caesarian *malgré lui*, complained bitterly to Cicero about his new allies; only the fact that he had

<sup>40</sup> Cic. Att. 8.3.4: 'Invite cepi Capuam: non quo munus illud defugerem; sed in ea causa in qua nullus esset ordinum, nullus apertus privatorum dolor, bonorum autem esset aliquis, sed hebes, ut solet, et, ut ipse sensissem, multitudo et infimus quisque propensus in alteram partem, multi mutationis rerum cupidi'.

<sup>41</sup> Cic. Att. 2.5.2: 'de istis rebus exspecto tuas literas (. . .) et qui consules parentur, utrum, ut populi sermo, Pompeius et Crassus an, ut mihi scribitur cum Gabinio Servius Sulpicius'.

<sup>42</sup> On electoral predictions see Rosillo-López ([forthcoming](#))

more enemies on the Pompeian side (such as Appius Claudius) kept him next to Caesar. In an ironic tone, Caelius remarked that only the fame of cruelty that the Pompeians enjoyed prevented the people from getting rid of the Caesarians: 'Personally, I have brought it about that the masses (*plebs*) above all, and—what was formerly ours—the main body of citizens (*populus*) should be now on your side.'<sup>43</sup> As we have seen previously, Caelius had a more nuanced vision of the different groups of opinion than Cicero. He noted a differentiation between *populus* and *plebs*, and had found the latter easier to convince than the former. Was this differentiation between *populus* and *plebs* the same as it had been decades or centuries before? According to Will, there was no clear division between these terms. When speaking about the people, Cicero could use the terms *populus*, *plebs*, *multitudo*, and *vulgus* indiscriminately, apparently without any differentiation. Only *vulgus* would sometimes take the pejorative meaning of a *mobile* people, who let themselves be influenced and dominated.<sup>44</sup> Will hypothesises that *populus* named the people in their political sense, and *plebs* in their social sense.<sup>45</sup> Thus, Caelius would try to rally to the Pompeian cause not only the masses but also the politically involved section of the people, particularly through his propositions to combat indebtedness, which were more radical than those enacted by Caesar, who forbade the proposals of Caelius.<sup>46</sup>

When interested, Cicero could mention divisions within popular public opinion, even if it was just to give an image of a unified opinion:

The next in rank to this dignified body is the equestrian order. All the companies of public contractors passed most favourable and honourable decrees about my consulship and my actions. The scribes, who are much connected with us in matters relating to public registers and monuments, took good care that their sentiments and resolutions about my services to the republic should not be left in doubt. There is no corporation in all this city, no body of men either from the higher (*pagani*) or lower parts of the city (*montani*), (since our ancestors thought fit that the common people of the city (*plebs urbana*) should also have places of meeting and some sort of deliberative assemblies) which has not passed most honourable resolutions, not merely about my safety, but relating also to my dignity.<sup>47</sup>

<sup>43</sup> Cic. Fam. 8.17.2: 'equidem iam effici ut maxime plebs et, qui antea noster fuit, populus vester esset'.

<sup>44</sup> E.g. Cic. Planc. 9; Mur. 38; Flacc. 19; Pis. 43; Hellegouarc'h 1969: 514. <sup>45</sup> Will 1991: 26–27.

<sup>46</sup> See Frederiksen 1966.

<sup>47</sup> Cic. Dom. 74: 'Proximus est huic dignitati ordo equester: omnes omnium publicorum societates de meo consulatu ac de meis rebus gestis amplissima atque ornatissima decreta fecerunt. Scribae, qui nobiscum in rationibus monumentisque publicis versantur, non obscurum de meis in rem publicam beneficiis suum iudicium decretumque esse voluerunt. Nullum est in hac urbe conlegium, nulli

Having returned from exile, he praised all those who had supported him: in Rome, outside the elite, he mentioned the *societates publicanorum, scribae, pagani, montani, conlegia, plebs urbana*. These divisions describe the citizens more geographically and socially than according to their different public opinions. There are working groups, like the *societates publicanorum, conlegia*, and the scribes, but the rest are geographical divisions: *pagani* and *montani*. Finally, the *plebs urbana* is considered as a single entity. Cicero's speech was delivered in front of the college of pontiffs, in order to convince them that the altar that Clodius had erected to *Libertas* in Cicero's house could be taken down. After more than a year of exile, the orator had to rebuild his political persona in the city. What better opportunity than a speech, published or distributed afterwards, in which he showed how the different groups of opinion of the city had arrived at a single opinion in his favour?

Historians were more aware of different points of view or of different groups of opinion within the people, since many historical moments were shaped by these discrepancies. When the tribune Memmius convoked a *contio* to deal with the question of King Jugurtha and the bribes he had given to Roman generals and politicians, the differences of opinion within the assembly were clear, as they were in the Senate:

An assembly of the people being convoked, although they were violently exasperated against Jugurtha (some demanding that he should be cast into prison, others that, unless he should name his accomplices in guilt, he should be put to death, according to the usage of their ancestors, as a public enemy), yet Memmius, regarding rather their character than their resentment, endeavoured to calm their turbulence and mitigate their rage; and assured them that, as far as it depended on him, the public faith should not be broken.<sup>48</sup>

However, Memmius managed to reduce them to a single opinion, described fittingly by Sallust as 'creating silence' (*silentium coepit*).<sup>49</sup> Interestingly, people's opinions were not as unified as Memmius wanted; when not directed by his speeches, they exploded into a myriad of different

*pagani aut montani, quoniam plebei quoque urbanae maiores nostri conventicula et quasi concilia quaedam esse voluerunt, qui non amplissime non modo de salute mea sed etiam de dignitate decreverint*'.

<sup>48</sup> Sal. BJ. 33.3: 'At C. Memmius advocata contione, quamquam regi infesta plebes erat et pars in vincula duci iubebat, pars, nisi socios sceleris sui aperiret, more maiorum de hoste supplicium sumi, dignitati quam irae magis consulens sedare motus et animos eorum mollire, postremo confirmare fidem publicam per sese inviolatam fore'. See Kraus 1999: 211–232 on Jugurtha's bribes. On foreign policy and public opinion, cf. Yakobson 2009.

<sup>49</sup> Sal. BJ. 33.3.

views. Only when pushed for agreement against a powerful opponent, the Roman aristocracy, did they rally behind the tribune. The opinion of the Senate was not homogeneous behind the accused either.<sup>50</sup> Sallust insisted on identifying Jugurtha's bribes as the reasons for these divergences of opinion; nevertheless, they would not have been necessary, since unanimity of opinion in the Senate was usually very rare due to the changing character of Roman politics.

In this context, Noëlle-Neumann's theory of the spiral of silence could be applied, which indicates how people perceive public opinion.<sup>51</sup> Fear of isolation makes people reticent to talk and express their views, especially in small social circles, so that minority opinions become less vocal. People work out what other people think and, in order not to be left out, they modify or even silence their own opinions. Interestingly, these mechanisms of the human psyche reinforce another element often associated with public opinion, that is, the reduction to a single opinion. When, for instance, a Roman orator voiced an idea or opinion from the Rostra or in the Senate, and a substantial number of people agreed, it was very difficult to find dissenting voices. Knowing this, the orator would claim a unified opinion, being aware that contrary views would hardly appear. In fact, this plea was usually a claim not for censure, but for eliminating the other competing voices, at least. Furthermore, in moments of crisis, the pressure towards a single opinion is greater, reinforcing the power of the majority.

Sources feature examples of the spiral of silence in action in Roman Republican politics, thus diminishing the range of public opinions or reducing it even to a single opinion. The case of the Catilinarian conspiracy is exemplary: facing a crisis, or a supposed crisis, the consul would press for one opinion only, even daring to create a majority and pushing for a spiral of silence to take place. During the trial against Cluentius, Cicero described how unified public opinion was against the corrupt judges of the previous trial: 'The matter had been brought forward in the assembly by a mutinous tribune; without any investigation into the business, his conduct was approved by the multitude; no one was allowed to say a word on the other side.'<sup>52</sup> Finally, this mechanism could also work in the opposite direction: conversations and opinions were muted until some

<sup>50</sup> Allen 1938 considered that Jugurtha's links with the Scipionic group were the source of his influence in the Senate.

<sup>51</sup> Noëlle-Neumann 1993: 6. See pp. 25–26.

<sup>52</sup> Cic. Cluent. 130: 'lactata res erat in contione a tribuno seditioso; incognita causa probatum erat illud multitudini; nemini licitum est contra diceret'.

people started to voice them, and they ended being commented upon out loud and in public, as happened with criticism of Caesar by July 59 BC.<sup>53</sup>

Groups of public opinion are also analysed fruitfully in action. We shall examine two case studies in which different groups of opinion clashed: the Catilinarian conspiracy and Caesar's consulship. Furthermore, public opinion was not restricted to the city. Outside Rome, elites would decide on their opinion and try to transmit it to the centre of government.

Cicero considered his role in the defeat and repression of the Catilinarian conspiracy as one of the highest points of his career. To achieve this, Cicero had to first conquer and unify public opinion. When he confronted his political enemy in public for the first time, Cicero did not enjoy the support of all the people or even of all the senators. His news about the conspiracy was not properly supported, and Catiline himself used that to his advantage. In fact, at the beginning, Cicero and Catiline struggled for ascendancy over a much-divided Roman public opinion, especially within the elite.

During his first intervention before the Senate, the consul wanted to present a united front against Catiline. The objective was to silence the senators who favoured his opponent, or those who would not completely disagree, by presenting their option as a small minority. Thus, during the whole speech, Cicero mentioned different groups of opinion, all aligned around the same idea. Cicero asserted that all the *boni* had agreed to condemn Catiline's plans, as had the rest of the groups.<sup>54</sup> From the beginning of the speech, Cicero was attributing to himself the whole support of the mass and people, including senators; the use of the generic term *populus* is remarkable. After this rhetoric artifice, Cicero moved onto the more important political matter at discussion: to demonstrate to Catiline that the senators and *equites* were not on his side.<sup>55</sup> However, he could not assert that most senators had stated their opposition to Catiline. Thus, deploying the 'spiral of silence', Cicero assumed that silence signalled a tacit agreement with his own actions, therefore shutting down further disagreements by making people fear exclusion; hence Cicero's allusions to the glances of the senators present in the discussion. Even so, he could not completely deny that Catiline enjoyed support in the Senate.<sup>56</sup>

Curiously, senators constituted the last group to change its mind about the conspiracy and its eventual consequences. Sources maintain that Catiline enjoyed some support from the plebs: the indebtedness of the

<sup>53</sup> Cic. Att. 2.21.2.    <sup>54</sup> Cic. Cat. 1.1.    <sup>55</sup> Cic. Cat. 1.21 (on the support of the *equites*).

<sup>56</sup> Cic. Cat. 1.30. See Batstone 1994 for a thorough analysis of this first speech.

population was not limited to the proverbial members of the elite who lived with foolish frenzy and luxury.<sup>57</sup> During the year 63 BC, Rome suffered a devastating economic and financial crisis, attested by the lack of liquidity, the increase of the interest rates, and the lower prices of real estate.<sup>58</sup> Giovannini has pointed out that the Mithridatic wars did not really ruin the *equites*, but reduced the benefits that came to them from Asia. This investment, centred on the provinces, deprived Rome and Italy of capital, and aggravated the financial problems. Finally, the rise of interest rates on loans would do great damage to the economic situation of low-income citizens, who were extremely dependent on credit on an everyday basis (and also for those who had a high income but were heavily in debt).<sup>59</sup> Catiline had ensured that his victory would entail *tabulae novae*, a very attractive promise for those indebted citizens. Cicero presented it as an extremely controversial and dangerous issue, trying to attract the favour of *equites* and lenders. Thus, he interpreted *tabulae novae* to mean the complete abolition of all debts and, therefore, economic ruin. Sallust's version presents the same implications.<sup>60</sup> Nevertheless, Giovannini has nuanced this matter: the *tabulae novae* that Catiline promised would only imply a reduction of the interest rates and more favourable conditions for debtors.<sup>61</sup> Cicero exerted himself hard to win over the plebs, especially through two speeches before the people (the second and third against Catiline). In his second speech, Cicero tried to calm the people down and insisted on Catiline's implication in the conspiracy. He also denied the rumours about the exile of Catiline.<sup>62</sup> In his third speech, Cicero justified before the people the arrest of several senators.<sup>63</sup> He maintained that Lentulus had orders to burn the city; the plebs, according to Sallust, abandoned Catiline for that reason.<sup>64</sup> It was probably the defining moment of the plebs' change of opinion.

Even when the majority of the Senate seemed to have abandoned Catiline,<sup>65</sup> the groups of opinion within it still disagreed over what punishment should be applied. Caesar, whose opinion was shared by part of the Senate, was in favour of a punishment composed of prison in Italian towns and the confiscation of the conspirators' wealth.<sup>66</sup> He contradicted the

<sup>57</sup> Indebtedness of the elite: Cic. Cat. 2.10; 2.21; Jaczynowska 1962; Royer 1967; Amsden 1971; Gabba 1988; Giovannini 1995. See Harrison 2008: 98–110 on Catiline's urban supporters, of whose existence he is quite sceptical.

<sup>58</sup> Nicolet 1966: 383, 386; 1971: 1220–1225. <sup>59</sup> Giovannini 1995: 25–28. <sup>60</sup> Sal. BC. 21.2.

<sup>61</sup> Giovannini 1995: 30–32. <sup>62</sup> Cic. Cat. 2.3–16.

<sup>63</sup> Cic. Cat. 3.3–26; on the jailed senators, see Cat. 3.13–16. <sup>64</sup> Sal. BC. 48.1–2.

<sup>65</sup> Sal. BC. 50.3 <sup>66</sup> Sal. BC. 51.43.

opinion of the first speaker of the session, the consul elect Decimus Silanus, who had asked for capital punishment.<sup>67</sup> Caesar based his proposal on Roman laws, which did not allow the taking of the life of a condemned citizen; in any case, the conspirators had not even been brought to trial.<sup>68</sup> He also highlighted the importance of not creating a bad precedent, which could provide power without boundaries for certain individuals.<sup>69</sup> A shift of opinion took place: many senators changed their minds, and joined those who were against capital punishment. This was the moment when Cicero delivered his fourth Catilinarian speech, in which he alleged that he simply wanted to clarify both options. Nevertheless, he made a clear allusion about not extending the protection bestowed upon the citizens by the *lex Sempronia* to the enemies of the government.<sup>70</sup> To avoid appearing as a lone voice, he stated that he counted senators, *equites*, free citizens, freedmen, and even slaves among his supporters.<sup>71</sup> It is a clear case of trying to make groups of public opinion disappear by gathering the whole Roman citizen body under the punishment option. Cicero stated it in an exaggerated rhetorical manner: 'For this is the only cause that has ever been known since the first foundation of the city, in which all men were of one and the same opinion—except those, who, as they saw they must be ruined, preferred to perish in company with all the world rather than by themselves.'<sup>72</sup> He thus created an absolutely artificial, and mostly non-existent, single group of opinion.

These divisions and shifts of opinion were also important during the year of Caesar's consulship. A number of *optimates*, including Cicero, were of the opinion that if the former became consul, the *res publica* would be in danger. They even took measures to avoid that eventuality, such as the pact to support Caesar's rival Bibulus financially.<sup>73</sup> This tactic was successful, since both became consuls for 59 BC. Cicero's letters reflect this desperate situation for the conservative groups. In his letters to Atticus, he took perverse delight in allusions to decadence and the end of an era, all tinged with a catastrophic mood. The orator even dreaded a massacre (*caedes*).<sup>74</sup> Cicero evidently collected all expressions of criticism against Caesar, which allows us to examine the workings of groups of opinions in relation to sociability, since most of the groups held their discussions outside the Senate.

<sup>67</sup> Sal. BC. 50.4    <sup>68</sup> Sal. BC. 51.22    <sup>69</sup> Sal. BC. 51.25–36.    <sup>70</sup> Cic. Cat. 4.7–13.

<sup>71</sup> Cic. Cat. 4.14–16; 18.

<sup>72</sup> Cic. Cat. 4. 14: 'Causa est enim post urbem conditam haec inventa sola in qua omnes sentirent unum atque idem praeter eos qui, cum sibi viderent esse pereundum, cum omnibus potius quam soli perire voluerunt'.

<sup>73</sup> Suet. DI. 19.    <sup>74</sup> Cic. Att. 21.2; 24.4.

The first indications recorded by Cicero about different groups of public opinion against Caesar appear almost by the middle of the year. The young Curio visited the orator in April 59 BC and informed him about the *iuventus*' public opinion. He related to him that the youth of Rome was incensed and could bear it no longer.<sup>75</sup> Cicero evidently rejoiced at these words, which were probably uttered by the *iuventus* close to the *optimates*, in all likelihood the sons of the latter, such as Curio. In July, the situation seemed more promising to Cicero. He told Atticus that the conversation in groups and at dinners became freer every time. This implied that criticism of the political situation was restricted to selected circles, evidently the circles of the *optimates*.<sup>76</sup>

Denigration of Caesar also featured in other spaces of sociability. In the *ludi* dedicated to Apollo, he was not much applauded, in sharp contrast with the thunderous clapping received shortly afterwards by Curio, with the *equites* making a standing ovation, 'as Pompey used to be applauded'.<sup>77</sup> Acclamations in the theatre could be very deceptive, since clagues were not unheard of, and the composition of the public could be determined heavily by the person who organised the spectacle.<sup>78</sup> Nevertheless, Pompey had lost popularity among the conservatives due to the presence of his veterans, who supported Caesar's agrarian laws. Cicero and Plutarch confirm that senators did not attend the Senate for fear of these soldiers.<sup>79</sup> In May 59, Cicero was sure that Pompey aspired to despotism.<sup>80</sup> In this context, Curio, a member of the *iuventus*, featured in Cicero's letters as one of the main critics of the regime. Even so, Cicero confessed that he feared that all active opposition could provoke a massacre.<sup>81</sup>

Directing his attention towards his own circle, Cicero stated that conversations did not stop, and that everybody (*omnes*) criticised Caesar.<sup>82</sup> The orator even identified three specific groups: 'The hisses of the common people, the conversations of the *honesti*, the protests of Italy'.<sup>83</sup> *Vulgus* was usually employed as a synonym for *plebs* and *multitudo*, with a derogatory tinge. In Cicero's view, the people did not talk, only hissed in the theatre. *Honesti* were the *equites*, who had given Curio a standing ovation. Italy alluded to the Italian elites, an influential group with contacts in Rome.

<sup>75</sup> Cic. Att. 2.8.1.    <sup>76</sup> Cic. Att. 2.18.2.

<sup>77</sup> Cic. Att. 2.19.3: 'huic ita plausum est ut salua re publica Pompeio plaudi solebat'.

<sup>78</sup> On clagues, see Aldrete 1999: 135–138; Morstein-Marx 2004: 128–136.

<sup>79</sup> Cic. Att. 2.24.2; Plut. Caes. 14.8; Smith 1964: 307.    <sup>80</sup> Cic. Att. 2.17.1.

<sup>81</sup> Cic. Att. 2.18.2; 2.20.3.    <sup>82</sup> Cic. Att. 2.21.2.

<sup>83</sup> Cic. Att. 2.21.1: 'sibilis vulgi, sermonibus honestorum, fremitu Italiae'.



Cicero was willing to believe that even the *improbi* were no longer his friends.<sup>84</sup> Thus, selecting the opinions that suited him best, Cicero described roughly how a single opinion slowly grew and circulated through sociability.

Public opinion in the provinces could be transmitted to Rome through different channels of communication, which could be described as concentric circles. For instance, in the Eastern provinces of the empire, public opinion could be discussed in Greek institutions, like *koina* (*concilia provinciales* for the Western provinces). If people wanted to transmit their opinion about a matter, they could address the governor himself, who was likely to be touring around the province, fulfilling his judicial duties and holding assizes. However, in some cases, provincials wanted to relay their opinion directly to Rome, without intermediaries, by sending embassies to the city.

This schematic view hides a multifaceted web of interests, in both the provinces and the city of Rome. When provinces wanted to express their opinions, they began a complex, sometimes symbolic, negotiation through their *koina* or *concilia*. They expressed their opinions and tried to get them taken into account by the Senate or the magistrates, or both. It was a game of power, in which one of the players was subordinate to the other. Millar has highlighted the importance of embassies sent by provincial communities directly to the *princeps*.<sup>85</sup> Even during the Roman Republic, it was important, for ease of governance, to allow provincials to express their opinions and provide them with channels through which to voice their complaints, in order to minimise rebellions.<sup>86</sup> The *koina* or *concilia provinciales* discussed the issue, and the members of the elite voiced their opinions. When the decision arrived at Rome, the message stemmed from a unified opinion, and joined the myriad of groups of opinion that existed in the city, the centre of decision-making.

Consequently, the sources provide us with a snapshot of groups of opinion at a specific time and for a specific issue. Sometimes they were defined into wider groups (*populares-optimates*), which eliminated intermediate or non-predominant opinions. These groups of opinion, for both elite and the people, originated and flourished in the places of sociability and were active in everyday politics.

<sup>84</sup> Cic. Att. 2.21.3. <sup>85</sup> Millar 1977: 375–385.

<sup>86</sup> See Canali de Rossi 1997 (Greek embassies to Rome); 2000 (foreign embassies); 2001 (Iberian embassies to Rome).

## 6.2 Leaders and Movers of Public Opinion

Why did people modify their opinions? How and why did people decide which politician best represented their own public opinion? It is, and was, a matter of imperfect information. The politician was not at all sure about the behaviour of the people he wanted to convince, when he wanted to impose or support an opinion. Sometimes politicians misread public opinion and acted in a way that was contrary to the people's beliefs, thus creating problems later on when trying to implement their policies.

Plebs were not a monolith of opinion; public opinions were always diverse. Thus, a politician could reflect or influence a certain element of the citizens, but not others. This was shown clearly in the 50s, with the citizen body divided roughly between supporters of Clodius and those of the *optimates* (channelled through Milo). Furthermore, some leaders of opinion seemed to have been particularly privileged by their birth and the status of their family, which gave them a head start. The weight of one's forefathers could be a determining factor in a career. Cato the Younger represents an obvious example. When Scipio Aemilianus defended in a *contio* the legality of the murder of Tiberius Gracchus, his audience revolted, but fell into silence afterwards, remembering the deeds done by the *Aemilii* and the *Cornelii* throughout history.<sup>87</sup>

People could support a politician either because their ideas fitted with those of the orator (in this case, there was just a merging of opinions, not an actual change) or because they thought the points of the orator were right (in this case, one should concede that the plebs had political ideas or, at least, opinions about certain issues). Patronage and social networks also counted among the reasons why people decided to support one politician instead of another. Promises of any kind (of goods, of money, of future favours) must also be numbered among the reasons.

Nevertheless, it is difficult to ascertain why the plebs, or at least some parts of it, preferred one politician to another. Part of this complication arises from the fact that the sources were written by the elite and, thus, reflected mostly what the elite believed the people wanted. Senators thought that military service, for instance, was unpopular with the Roman plebs, and thus voted to increase the legions of Marius, to discredit him before the citizens; in this case, their preconception was wrong, as people had been seized with the expectation of booty, and longed to become soldiers.<sup>88</sup> When Sulla entered Rome with his army in 87 BC,

<sup>87</sup> Val Max. 6.2.3; Cf. Plut. Tib.Grac. 21.7–8.      <sup>88</sup> Sal. BI. 84.3.

and sentenced Marius to death, the Roman people, full of disgust at the situation, rejected all of his candidates at the elections. Furthermore, they elected Cinna as consul, an appointment that vexed Sulla enormously, but which he had to accept.<sup>89</sup> During the trial of Rabirius in 63 BC for the murder of Saturninus, Cicero abused the late tribune, calling him an enemy of the Roman people. The crowd protested energetically. Despite the orator's allegations that only *imperiti cives* had complained while the majority (*populus romanus*) was silent, he seems to have miscalculated the popularity of Saturninus, even thirty-seven years after his violent stoning by members of the elite.<sup>90</sup> In January 49 BC, Cicero was astonished at how people complained when the Senate and the magistrates left Rome before the advance of Caesar, because he did not expect them to do so.<sup>91</sup>

Leadership of opinion, that is, the ideas of an individual who was highly respected by the people, could change other people's opinions. In a shifting political context, this leadership was not immutable. Vanderbroeck divided political leaders into top, intermediate, and assistant leaders. Marius, Sulla, Pompey, or Caesar could be counted in the first category. However, leadership in Rome needed a magistracy, with the powers it conferred. When top leaders wanted to exert influence after their period of office had finished, they therefore resorted to assistant leaders, that is, devoted politicians who did hold a position, usually a lower magistracy such as tribune of the plebs. These assistant leaders served to link the top and intermediate leaders and the people. Finally, intermediate leaders were persons with a degree of influence among the plebs, from *noti homines* to *apparitores*, freedmen, or claqueurs.<sup>92</sup>

The behaviour of the *plebs* has been interpreted in various ways. While Vanderbroeck, amongst others, opts for a plebs without autonomy, always directed by a leader and in many cases manipulated, Courrier has proposed that the plebs itself could arrive at an agreement, without any intervention or direction from the elite.<sup>93</sup> For instance, the plebs pushed for the condemnation of Gabinius in 54 BC after a heavy flooding of the Tiber, which destroyed numerous houses and granaries and was interpreted as a punishment by the gods for his command in Egypt, which had been

<sup>89</sup> Plut. Sul. 10–3; see Lovano 2002: 27–31 who identifies two groups as his supporters: families of political exiles and Italian leaders who wanted new voters to be distributed equally amongst the thirty-five tribes. On the supposed bribery of Cinna by these groups, see Bulst 1964: 309–310.

<sup>90</sup> Cic. Rab. Perd. 18; DC. 37.26–27. The defendant displayed a portrait of Saturninus during the trial (Cic. Rab. Perd. 25).

<sup>91</sup> Cic. Att. 7.1.4.

<sup>92</sup> Vanderbroeck 1987: 23–43 (top leaders); 34–52 (assistant leaders); 52–64 (intermediate leaders).

<sup>93</sup> Courrier 2014: 464–546.

carried out against the opinion of the Sybilline books.<sup>94</sup> Despite the efforts of Pompey, he was condemned, since the judges felt threatened by the people.<sup>95</sup>

Nevertheless, the focus on leaders and movers of public opinion as a way of explaining why people made up their minds is inherited from an elitist approach to Roman politics. The focus should not only be on who was speaking but also on what he was saying. On several occasions, shifts of opinions were attributed to the plebs not because the speaker was especially talented and had swayed them with his artful rhetorical skills, but clearly because they were convinced that an issue was important or right. This did not imply that people acted purely and in every single case for political reasons, and it is possible that, in a way, they were urged on by someone: a friend, a respected person, or a broker of news. Even so, it is symptomatic that the sources decided to highlight, in certain cases, not the person who was creating or encouraging the opinion but the fact that people acted because of the issue under discussion. This aspect has already been identified in other aspects of Roman politics: Yakobson, for instance, has surveyed and identified episodes during elections when the outcome of the elections was mostly related to political issues.<sup>96</sup>

Such behaviour on the part of the people emerges occasionally in the sources. In 66 BC, the identity of the general who would lead the Roman army against Mithridates became a hotly debated issue. Cicero committed himself in public for Pompey, following a proposal by the tribune Caius Manilius. The orator tried to tread a fine line between avoiding upsetting the conservative part of the Senate and at the same time giving a good impression to the people who attended the *contio*. Cicero did not want to discredit other *optimates*, and thus eulogised the persons and the *auctoritas* of both Quintus Lutatius Catulus and Quintus Hortensius Hortalus. Indeed, he praised their authority over the people and the way that they had influenced previous decisions.<sup>97</sup> Nevertheless, shortly afterwards, Cicero claimed that the Roman people had acted in opposition to many members of the Senate in charging Pompey with the war against the pirates, ‘contra omnis qui dissentiunt possit defendere’.<sup>98</sup> Not only that: Cicero, trying to ingratiate himself with the people, actually praised their political view, which he rarely did. He asserted that the people had acted

<sup>94</sup> See Siani-Davies 1997: 325–328 on the great debate over who should lead the military campaign, and the manipulation of the Sybilline books, which Pompey thought had been organised by Crassus.

<sup>95</sup> Cic. QF. 3.7.1; DC 39.61; 63.

<sup>96</sup> Yakobson 1999: chap. 6; see a list of how elections could be politicised in Yakobson 1999: 152.

<sup>97</sup> Cic. Leg. Man. 51. <sup>98</sup> Cic. Leg. Man. 63.

independently of the opinion of conservative senators when they chose Pompey as the general to lead the war against the pirates.<sup>99</sup>

Other cases describe how the orator, the voice that convinced the people to act in a certain way, was often just a medium, because it was the message that mattered. When describing in pejorative terms the tribune L. Quinctius, Cicero did not accuse him of directing the plebs, but described him as the vessel, the voice of their opinion, which he collected from rumours and *contiones*.<sup>100</sup> In 43 BC, Cicero and his allies wanted to declare Mark Antony a public enemy when he seized Cisalpine Gaul. The senators could not agree on this matter and discussed it at length.<sup>101</sup> The following morning, Cicero's opinion prevailed, until Salvius, tribune of the plebs, adjourned the decision. 'Ciceronians', as Appian said, wanted to carry him before the people so as to discredit him, but the rest of the senators had read popular opinion differently: 'Salvius set forth to obey the summons undismayed until he was restrained by the Senate, which feared lest he should cause the people to change by recalling Antony to their memory; for the senators well knew that they were condemning an illustrious man without a trial, and that the people had given him this very Gallic province.'<sup>102</sup> Thus, it was not Salvius, the tribune, who led popular opinion or who changed it by remembering Mark Antony's deeds. In fact, the senators assumed that the people were aware of those points, and would not accept the decision.

Furthermore, on occasion, the opinion of the people was strongly felt and caused Roman politicians to act. The special tribunal (*quaestio Mamilia*) that judged the accusations of bribery and incompetence of many Roman magistrates during the war against Jugurtha was approved by the people, despite the opposition of the Senate. Furthermore, enquiries were held, according to Sallust, without any scruples, 'under the influence of rumour and the caprice of the plebs'.<sup>103</sup> In 67 BC, the tribune Cornelius presented a proposal against electoral corruption which targeted directly the *divisores* and proposed a stricter punishment against the condemned candidates. The Senate was dismayed, but this proposal gave great satisfaction to the people, who were apparently concerned about the matter.<sup>104</sup> Corruption was one of the definitive issues that mobilised the people, even though in some

<sup>99</sup> Cic. Leg. Man. 64. <sup>100</sup> Cic. Cluent. 77. <sup>101</sup> App. BC. 3.50.

<sup>102</sup> App. BC. 3.51. See Cic. Phil. 6.2; 7.14; DC. 46.29.2. Salvius was the first victim in the proscriptions (Vell. 2.64.4; App. BC 4.17).

<sup>103</sup> Sal. BI. 40.5: 'Sed quaestio exercita aspere violenterque ex rumore et libidine plebis'. Sallust attributed the eagerness of the plebs to pass that law to the desire for revenge against the 'nobility' rather than a concern for the government.

<sup>104</sup> Asc. 74–75C; DC. 36.28.4; Rosillo-López 2010: 65–68.

cases, as with electoral corruption, they benefited from it financially; Sallust remarked that accusations of bribery used to cause deep *invidia*.<sup>105</sup> In fact, Cornelius tapped very well into the political issues that mattered to the plebs, especially in relation to corruption, mainly electoral corruption and bribery by the embassies, arguing that they exhausted the provincials financially.<sup>106</sup> Even though his political career ended after a trial, he did not lose his popularity with the people, if we accept the common view that he is the Cornelius mentioned a few years later as one of the leaders of a *sodalitas*, whose vote was promised to Cicero for his incoming election.<sup>107</sup> However, the Roman people did not mobilise on every single issue. In 60 BC, Pompey tried to pass an agrarian law, and a tribune of the plebs argued for it in the *contio*. Cicero described clearly the apathy of the plebs for that issue, even though Pompey was at the height of his popularity with the people.<sup>108</sup>

In the *Pro Sestio*, Cicero played with the idea of reducing groups of opinion, and stated that the interests of the people (*populi commodum*) matched the public good, that is, the interests of the elite. However, to make that point, he had to acknowledge that it had not always been the case.<sup>109</sup> Interestingly, the defence of the people of the agrarian and the frumentarian laws was attributed to their own benefit and convenience, while, with the *lex tabellaria*, Cicero stated that the plebs were worried about their *libertas*, a strong political concept.<sup>110</sup>

Therefore, while leaders of opinion existed, and some politicians were able to agitate and persuade their peers and the people, the picture that emerges from the sources is more nuanced. Elite and plebs were moved not only by people but also by issues. For both of these scenarios, information had to flow, either about the leader or about the issue. The movers of public opinion were dependent on those who enabled information and opinions to circulate.

### 6.3 Disseminators of News and Public Opinion

Circulation of information needs certain infrastructures which facilitate its exchange, and which have to be maintained.<sup>111</sup> In the case of Rome,

<sup>105</sup> Sal. *BI*. 15.5; Hellegouarc'h 1963: 195–198 on *invidia* in Roman politics. On corruption as an issue of public opinion, see Rosillo-López 2016.

<sup>106</sup> Asc. 58C. <sup>107</sup> Comm. Pet. 19. On the trial of Cornelius and the defence, see Asc. 57–81C.

<sup>108</sup> Cic. Att. 1.19.4.

<sup>109</sup> Cic. Sest. 103. On *populi commodum*, see Hellegouarc'h 1963: 556–557; Vanderbroeck 1987: 104–112; Brunt 1988: 346–349; Knopf 2015.

<sup>110</sup> On *libertas*, see Wirszubski 1950; Brunt 1988: 281–350; Arena 2012.

<sup>111</sup> On the importance of the maintenance of infrastructures for the circulation of information, see Edwards 2011: 1409.

infrastructure was immaterial; public opinion and the circulation of information were based on regular contacts, which could be either scheduled or casual. Scheduled contacts stemmed from a series of casual contacts that built a relationship. Senators who wanted to play a part in Roman politics lived within close reach one of one another, and attended the same meetings in the Senate. Politicians wandered around the Forum. Those who were on duties abroad were kept informed by friends, family, and political allies, which was vital for their political survival. When posted abroad against his own will, Cicero received information not only from his friend Atticus but also from an army of correspondents. Senators in provinces also maintained contact with less close acquaintances, as a way of cementing relationships from a distance. Nevertheless, they lacked recurrent casual contacts, which were indispensable for the workings of this system. Within the city, shopkeepers could be itinerant or stationary. Those with an established and fixed shop had to rely on their customers for casual contacts; thus, many shops placed benches at their fronts, so that when people had to pass them by, they will pause for a moment or sit for a while, thus providing a chance to interest them in their goods.<sup>112</sup> Those with itinerant shops had the advantage of being able to tie together a wider and denser network of relationships, which they could cement regularly through their visits. They carried around news as additional wares.

Information has always been an essential and decisive component in politics. To be effective, information has to circulate, whether in small or large groups. These groups are formed by people who must be in regular contact in order to cement a network. The more frequent the meetings, the stronger the networks, and thus information circulates and trust is established. In this context, both informal and formal meetings (scheduled dinners and reunions, for instance) mattered. Informal meetings could be arranged through sociability in the streets and in some public spaces, where information circulated and contributed to public opinion. Thus, as we have seen, movement was not only a social practice, but a political one, linked to sociability.<sup>113</sup>

This dissemination of information, based on sociability, was carried out by ordinary Romans in their daily lives. Nevertheless, some persons within the city of Rome devoted themselves particularly as disseminators of information or brokers of news, through their own doings and their own sociability.<sup>114</sup> They were physical vehicles of information, although this was

<sup>112</sup> Analysis of archaeological remains in Hartnett 2008. <sup>113</sup> See p. 45.

<sup>114</sup> On this terminology, see Fox 1997: 602 (on Elizabethan and Early Stuart England).

not their main profession. They shared a common characteristic, which was a condition *sine qua non* for their goal: they were commonly in the streets, some of them even worked there, and they circulated considerably. Many of them did not actually have a fixed place of business, but offered their services throughout the city.

The *tonsores* have been one of the institutions for circulating opinions in many civilisations across history: they feature, for example, in Athens, the Roman world, and even sixteenth-century Venice. Roman men visited regularly a barber or *tonsor* to maintain a smooth face.<sup>115</sup> Nevertheless, as with many other aspects of everyday life, this is not very well attested by the sources. For instance, Cicero mentioned the word *tonsor* on only two occasions.<sup>116</sup> In other authors, it is even scarcer: there are no allusions in Sallust, Livy, Tacitus, or Velleius Paterculus. Only works that feature everyday life, such as Plautus' theatre, refer to it. In *Epidicus*, the homonymous slave who pretended to have searched for Periphanes, his master's father, across the whole city mentioned barbershops among the places that a Roman citizen could visit throughout the day.<sup>117</sup> Barbers could operate from a *taberna*, although they also used the space just outside it to shave. Archaeological remains have been found in the temple of Castor of a barbershop in Imperial times.<sup>118</sup> There is no evidence for its presence in earlier decades; if so, it would have been a premium location for the circulation of information in the heart of the Roman Forum. Itinerant barbers probably worked from a stool in the street, requiring only a nearby fountain for the water.<sup>119</sup> It is not a surprise that *tonsores* and their businesses figured as exceptional places to catch up with information, taking into account that many of them circulated around the city.

*Tonsores* played an important role in public opinion as distributors of information, especially rumours.<sup>120</sup> It was a barber, for instance, who announced the defeat of Nicias in Sicily, probably something that he had heard during his work<sup>121</sup>. In this sense, their reputation was well known. In his *Histories*, Polybius collected different versions of the declaration of war against Hannibal after the attack on Saguntum and the Romans' reaction to the latter. As he usually did, Polybius discussed the trustworthiness of other

<sup>115</sup> E.g. Plut. Ant. 1.2; Artemid. 1.22. See Brewster 1917: 87–94 on barbers and daily life. Shaving at home was a sign of mourning.

<sup>116</sup> Cic. Off. 2.25; Cic. Tusc. 5.58. <sup>117</sup> Plaut. Epid. 197–200. <sup>118</sup> Nilson 2008: 56.

<sup>119</sup> Holleran 2011: 255–256 and 2012: 125–127. Mart. 7.61.7 (barbers on the street). See Fox 1997, 602–604 on the importance of itinerant brokers of news in sixteenth- and seventeenth-century England, who weaved an important network of information and communication.

<sup>120</sup> Plaut. Asin. 343ss. See Otto 1890: s.v. *tonsor*. <sup>121</sup> Plut. De garrul. 13.



historians: in the case of Chaereas and Sosylus, he thought that: ‘no further criticism, indeed, of such works as those of Chaereas and Sosylus is necessary; they rank in authority, it seems to me, not with history, but with the common gossip of a barber’s shop’.<sup>122</sup> Even popular wisdom linked barbers and public opinion: the phrase *res nota lippis et tonsoribus* meant to speak of something that was well known by everybody.<sup>123</sup>

Plutarch’s treaty *On talkativeness* (*De garrulitate*) remains one of the main sources for this matter. He warned twice that chattering could bring harmful consequences, especially rumours and comments made at the barber’s. A *tonsor* was crucified by Dionysius the tyrant due to his imprudence: one day, when his clients mentioned the harshness of the tyranny and compared it to a diamond, the barber boasted that every day he had the tyrant’s neck under his razor.<sup>124</sup> The second example came from Roman times, during the civil war between Marius and Sulla. The latter had managed to take most of Greece out of the hands of Mithridates, with the exception of Athens, which was under siege. Sulla obtained the information he needed to win against the Athenian resistance from an unexpected source: ‘But spies heard some old men in a barber’s shop remarking to each other that the Heptachalcon was unguarded and that the city was in danger of being captured at that point; and the spies brought word of this to Sulla, who at once brought up his forces at midnight, led in his army, and almost razed the city to the ground.’<sup>125</sup> These two cases, related by Plutarch, show that conversations at the barber’s shop could feature radical political criticism against an autocratic government, or military armchair comments. Barbershops took shape as important and pivotal places for the diffusion and transmission of public opinion, especially as most Romans attended them very frequently. Some barbers in Pompeii supported a candidate for aedile in a graffito.<sup>126</sup> Did each senator have a barber whom he frequented routinely? Were some of them considered trustworthier than others? Unfortunately the lack of sources means that there is no satisfactory answer to these questions.

<sup>122</sup> Pol. 3.20.5. *Fragmenta historicorum Graecorum* vol. 3 collected fragments about a historian named Chaereas. According to Diodorus (26, fr. 6), Sosylus came from Ilion and wrote a history of Hannibal in seven books. Nepos Hann. 13 pointed out that the historian lived in Hannibal’s camp and even taught Greek to the general. Nevertheless, Nepos dissented, believing Sosylus to be of Lacedaemonian origin.

<sup>123</sup> Hor. Sat. 1.7.3, and scholiast Pomponius Porphyrius on these same verses.

<sup>124</sup> Plut. De garrul. 13.

<sup>125</sup> Plut. De garrul. 7. This episode was retold by Plut. Sul. 19.1, but he located it in the Ceramic. See Day 1942 on Athens during the siege.

<sup>126</sup> CIL IV.743 = ILS 6428b: ‘Trebbium / aed. tonsores’. On the *Trebbii*, who began their career in Claudian times, in Pompeian electoral graffiti, see Franklin 2001: 89–90.

In these circumstances, Agrippa's generosity takes on a very different meaning. In the 30s BC, with an uncertain political situation in Rome and a possible confrontation between Mark Antony and Octavian looming, few members of the elite wanted to win the aedileship, due to the high expenses linked to the post. Furthermore, the proscriptions were still close and nobody wanted to display their wealth. Agrippa, Octavian's right-hand man, became curule aedile in 33 BC, and began a vast project of public works and the regeneration of the city's water supply.<sup>127</sup> Fulfilling the expectations of his post, he distributed oil and salt, and paid to have the baths open for free for both men and women. Likewise he also funded the barbers to work for free on holidays.<sup>128</sup> Osgood points out that this last measure could imply that praise for Agrippa and Octavian spread more quickly, expanded by the barbers, who would be happy to receive compensation from the generous magistrate.<sup>129</sup>

The role of barbers in distributing and relaying public opinion persisted for many centuries. In Venice, both apothecaries and barbers, while different in character, were used as centres of information<sup>130</sup>. Apothecaries sold expensive goods and had knowledge of languages, especially Latin; their economic status was higher in fact than that of other businessmen. Their customers, too, were essentially richer. Barbers, though, 'mediated between private households and the marketplace'.<sup>131</sup> Interestingly, the same ancient views and prejudices about barbers persisted in sixteenth-century Venice, where tales of their treacherous behaviour were still told.<sup>132</sup> Centuries later, the same anecdotes kept appearing.<sup>133</sup> Apparently, one of the barbers' premium services was that, because of the wide range of people that visited them, they not only collected information but also redistributed it, so as to attract customers. DeVivo suggests that it was a way of coping with a fiercely competitive market.<sup>134</sup> Getting a haircut or a shaving was a pleasure; interesting gossip and chat were a perk.

Barbers were not alone in circulating public opinion in Rome. In the *Pro Murena*, Cicero urged Cato not to pay attention to any abuse shouted by *scurra*, a concept with a wide range of meanings.<sup>135</sup> Firstly, it could mean the city buffoon, the jester, a kind of parasite who usually appeared

<sup>127</sup> See Favro 1992: 76–77 for Agrippa's role in the wider Augustan plan of city regeneration.

<sup>128</sup> DC. 49.43. <sup>129</sup> Osgood 2006: 332, n. 149; Lott 2004: 70. <sup>130</sup> DeVivo 2007: 98–102.

<sup>131</sup> DeVivo 2007: 101. <sup>132</sup> DeVivo 2007: 102.

<sup>133</sup> Particularly the stories narrated by Plutarch and Ovid, among others. Interestingly, it supposes a clientele acquainted with those works and, thus, literate.

<sup>134</sup> DeVivo 2007: 103.

<sup>135</sup> Cic. Mur. 13. Moreau 1980 on the rewriting of the *Pro Murena* to suit a later political context.

amongst the followers of wealthy Romans. In that sense, it featured frequently in the plays by Plautus, and was employed as such as a term of abuse in the first century BC.<sup>136</sup> However, at the same time, a *scurra* could also mean an elegant man, a gallant dandy, who adopted the customs of those city jesters. Already by the second century, this term applied to rich young men with debauched lives who were trying to compete with professional actors.<sup>137</sup> The *scurrae*, especially in their representation by young men, seemed to have engaged in a sort of carnivalesque behaviour, in which they imitated those they wanted to abuse.<sup>138</sup> By Cicero's time, *scurrae* were not just wealthy men, but could belong to any economic or financial status.<sup>139</sup> In the case of Cicero's warning to Cato, the *scurra*, whether professional actors or young debauchees, were giving vent to public opinion by shouting it freely in the streets against Murena. This tradition lasted until the sixteenth century.<sup>140</sup> Cicero was obviously using a rhetorical trick: by pretending that Cato's accusations did not emanate from trustworthy sources but from street gossip and wandering *scurrae*, he tried to save Murena's reputation and credibility in front of the judges. Nevertheless, regardless of how reliable these accusations were, they were sufficiently well known and had propagated so widely around the city that Cicero felt compelled to address them in court, even if it was to dismiss them. Thus, at least in that case, *scurrae* were successful vehicles of information.

Sociability and public opinion also went hand in hand with the *circulatores*. The term is wide-ranging, a characteristic in common with other vehicles of information, since circulating public opinion and information was, for them, a complementary feature. They were common in the streets.<sup>141</sup> Booth has suggested that they could be people who attracted a street-crowd or indeed anybody who sold their wares by reciting.<sup>142</sup> Galen and Celsus described as *circulatores* the jugglers who sold medicinal drugs.<sup>143</sup> Quintilian mentioned the proverbial 'fluency of a circulator'.<sup>144</sup>

<sup>136</sup> See e.g. Cic. Quinct. 11.

<sup>137</sup> Plaut. Trinum. 199ff; Cic. Sest. 39 called Clodius *scurrarum locupletium scortum*; in Rhet. Her. 4.14 a young man is accosted by a *scurra* in the baths. On interpretation of this text, which features colloquial Latin, see Ferri and Probert 2010: 18–22. See Corbett 1968 on competing with actors.

<sup>138</sup> For this kind of carnivalesque behaviour as a safety-valve and as a way of turning the world upside down through the power of laughter, especially against the powerful, see the classic study by Bakhtin 1965. On Cato's relationship with the people, see van der Blom 2012, who argues that people were used by Cato as a tool in politics, rather than as a group to be much concerned about; see also on Cato's self-presentation van der Blom 2016: 204–247.

<sup>139</sup> See Damon 1997: 109–112. <sup>140</sup> Corbett 1976: 23–31. <sup>141</sup> Dio Chrys. 20.9ff.

<sup>142</sup> Petr. Sat. 68.6ff; Booth 1980: 166. <sup>143</sup> Kudlien 1983: 91–98.

<sup>144</sup> Quint. 10.1.8: 'circulatoriam volubilitatem'.

During their performances, they could be accompanied by animals.<sup>145</sup> Apparently, some of them performed after dinners at the cultivated *circuli*.<sup>146</sup> Their role and craft have been interpreted variously: Wiseman considers them as storytellers, representatives of the ‘culture of the unprivileged’.<sup>147</sup> Horsfall has stressed their importance in basic popular education.<sup>148</sup> O’Neill has mostly focused on their popular nature, which could implicate a potential ‘cause of alarm’.<sup>149</sup> They were important disseminators of public opinion.

One of Persius’ scholiasts used *circulatores* as a synonym for *praeco*, highlighting their role in delivering information.<sup>150</sup> According to Booth, if the *praecones* were not available, *circulatores* took charge of delivering public announcements.<sup>151</sup> Kissel confirmed that the *edictum* mentioned by the scholiast was probably the *edictum praetoris*.<sup>152</sup> Nevertheless, this assimilation of services between the *praecones* and the *circulatores* could be challenged. The fact that they read out loud the edicts of the praetor or of the emperors did not imply that they were doing it in an official way or with an official purpose. Reading laws, edicts, and public information out loud to the people may have been part of their performances, together with the recitation of poems mentioned by Persius. The *circulatores* were a direct and effective vehicle for circulating information and spreading public opinion, through the reading of legislative texts or literature to those who gathered around, remediating the low literacy rates of the people. Furthermore, these texts seemed to have been of interest to their potential audience, since *circulatores* depended on ensuring their goodwill to gain any revenue. Their range of venues was large: Pliny mentioned the Forum, Vergil mentioned the *trivia*, but other sources also state that they performed at elite dinners.<sup>153</sup> Therefore, they were cross-class vehicles of public opinion, even if their repertoire may have been different in each venue.

Other groups were also apparently important in disseminating opinion. The *Commentariolum petitionis* suggests that the candidate should befriend the freedmen who were influential and energetic in the Forum (*libertini in foro gratiosi navique*).<sup>154</sup> Although he had to defend him in court at the

<sup>145</sup> Paul. Dig. 47.11.1 (action against the *circulatores* for the damage provoked by fear of the serpents they carried).

<sup>146</sup> Hor. Sat. 1.6.125; 2.4.23; Epist. 1.10.17. <sup>147</sup> Wiseman 1989: 129–136, esp. 135.

<sup>148</sup> Horsfall 1996: 27. <sup>149</sup> O’Neill 2003: 151–157.

<sup>150</sup> Schol. Pers. 1.134; see D&S 4.610ff; RE 22 1953: 730–746. On Persius’ verses and the scholiast’s interpretation, see Harvey 1981: 55; Kissel 1990: 285–287. Cic. Phil. 2.97; Ov. Ars. 1.167.

<sup>151</sup> Booth 1980: 167. <sup>152</sup> See Kissel 1990: 286. <sup>153</sup> Plin. Ep. 4.7; Verg. Ecl. 3.26ff.

<sup>154</sup> Comm. Pet. 29; Ripat 2012: 57 has suggested that these freedmen could be actors or auctioneers, but the evidence presented is not conclusive.

bidding of the triumvirs, Cicero's relationship with Vatinius was considerably strained. On hearing false reports about the latter's death, Cicero inquired about it to one of the former's freedman, as a reliable source of information. To the delight of Quintilian, the exchange was hilariously juicy. Cicero asked: 'Is all well?' The freedman answered, 'All is well', to which Cicero replied, 'Is he dead, then?'<sup>155</sup>

*Nomenclatores* were indispensable tools during canvassing for elections.<sup>156</sup> Candidates descended onto the Forum and greeted electors by their names, requesting their votes and support. Due to the size of the civic body, a candidate was usually accompanied by a slave, a *nomenclator*, who would whisper in his ear the name of the person he was greeting, which was indispensable in rendering the candidate popular to the electorate.<sup>157</sup> *Nomenclatores* were expected to recognise and to know the names and details of a great number of citizens, not only from the city but also from the countryside.<sup>158</sup> Even though they are not portrayed in the sources as brokers of news, Sulla resorted to their extensive knowledge of the population to prepare the lists of proscripts.<sup>159</sup> They do not seem to have acted as circulators, but rather as collectors of opinions and information.

Caelius' letters to Cicero provide us with an independent assessment of the workings of public opinion in Rome, and also mention three hitherto omitted disseminators of public opinion, who were probably also vehicles of information: *columnarii* (Fam. 8.9.5), *susurratores* (Fam. 8.1.4), and *subrostrani* (Fam. 8.1.4). A probably similar concept was that of *subbasilicani*, mentioned by Plautus.<sup>160</sup> Shackleton Bailey has translated them as 'pavement-gossips'.<sup>161</sup> All these groups fulfilled the same objectives: the collecting and spreading of information and opinions. Pina Polo has suggested that these words were probably common political catchphrases of the Republic, rather than neologisms invented by Caelius.<sup>162</sup> Cavarzere suggests that they were colloquial terms, since Cicero seemed to prefer terms such as *contriti ad Regiam*.<sup>163</sup> Nevertheless, their absence from

<sup>155</sup> Quint. 6.3.84: "rectene omnia?" dicenti "recte" "mortuus est!" inquit'.

<sup>156</sup> On *nomenclatores*, see Vogt 1978; Kolendo 1989: 9–38.

<sup>157</sup> Such was the advice of the *Commentariolum petitionis* 41. Cf. Comm.pet. 28. Whispering in the ear: Cic. Mur. 77.

<sup>158</sup> Comm. Pet. 31. Cic. Att. 4.1.5 boasted that, upon his return, all citizens known to his *nomenclator* had been there to greet him.

<sup>159</sup> Val. Max. 9.2.1. <sup>160</sup> Plaut. Capt. 815. <sup>161</sup> Shackleton Bailey 1977: 383.

<sup>162</sup> Pina Polo 2010: 78.

<sup>163</sup> Cavarzere 1983: 208. *Contriti ad Regiam*: Cic. Caecin. 14, although the text is not certain; some manuscripts prefer *cogniti*.

Cicero's wider corpus is striking.<sup>164</sup> Pinkster has pointed out that the language of Caelius' letters was an informal variety of Latin, of a type that Cicero described as 'informal and gossiping' (*familiare et iocosum*).<sup>165</sup> Another plausible reason for this absence could be connected to the difference in Cicero's and Caelius' political positions: Caelius was a shrewd politician on the rise who throughout his letters showed a strong interest in public opinion, rumours and gossip. He was building his political career, and found that these were important matters to take into account in order to survive and thrive in the political arena. When Cicero had to leave Rome and asked Caelius to keep him informed, the former did so thoroughly, by tapping every source of information that he could rely upon, and providing his own assessment of the situation.<sup>166</sup> We know that their influence was important, since the *subrostrani* alone managed to spread the rumour that Cicero had been assassinated. Yakobson has argued that Caelius' remark would have no point if these groups did not influence the outcome, in this case, of elections.<sup>167</sup>

The actual composition of these groups is not stated in the sources. Pina Polo has ventured that they were people from low social backgrounds who spent time near the orator's platform, and who disseminated the rumours afterwards. He suggests that they could serve the interests of an individual or a political group with the objective of creating a specific public opinion, identifying them with Vanderbroeck's 'intermediate leaders', men with a strong influence over the people.<sup>168</sup> Beness and Hillard have recognised them in the people who, in Scipio Aemilianus' times, forced issues by shouting and soliciting.<sup>169</sup> An alternative view could be put forward: *subrostrani*, *subbasilicani* and *susurratores* were not always composed of the same individuals who spent their time loitering around the Forum. Some of them probably were, but we should not imagine professional brokers of news, who made a living or their daily routine from that task. In line with the previous cases of vehicles of information, and the workings of public opinion, there were informal groups, which probably did not retain the same composition throughout the day or through the different issues debated. As we have seen, Roman customs of sociability and the

<sup>164</sup> Lebek 1970: 134 identifies fourteen words used by Caelius, which do not feature in Cicero or Caesar.

<sup>165</sup> Cic. Fam. 2.4.1. Pinkster 2010: 188 points out that, taking into account the different ages and political status of the two, Caelius would not have used slang in his letters to Cicero. See Pinkster 2010: 190 for a review of modern historiography about Caelius' style, with opinions ranging from praise of his literary style to downright dismissal.

<sup>166</sup> See pp. 10–12. <sup>167</sup> Yakobson 1992: 40, n. 40. <sup>168</sup> Pina Polo 2010: 79 and 1996: 130–131.

<sup>169</sup> Plut. Aem. 38.4; Beness and Hillard 2012.

central place of the Forum in a citizen's political, social and economic life entailed a casual loitering around, and joining these groups for a while was a feasible possibility. As a result, the spreading of information was probably much wider than if an organised group of brokers of news had disseminated around the city with that objective in mind.

The elite should not be ruled out from being identified with these terms. Younger politicians who were not important enough to speak in the Senate, or aspiring magistrates, could have made their *tirocinium* by attending to public opinion. Speaking about the *commentarius rerum urbanarum* that he had sent Cicero, Caelius remarked: 'It would require I don't know how much leisure (*otium*), not only to write out all this, but even to cast an eye over it (*animadvertere*).'<sup>170</sup> *Otium* was a prerequisite for those who wanted to seize the information of the proceedings of the Senate, gossip, rumours, etc. However, *otium* was not a term exclusively for the Roman elite: Livy mentioned that *otium* excited the plebs about rumours.<sup>171</sup> Interestingly, Caelius used the word *operarii*, in the plural, to describe those who provided him with the *commentarii*.<sup>172</sup> Were these people only collecting public opinion for their clients (in the sense of people who paid them) or were they also distributing and spreading that public opinion? Taking into account the number of Roman politicians who were abroad (in duties for the *res publica*) plus all those who were on private trips, it could have been a valuable business, selling *commentarii* with all the details of Roman politics and, on top of that, public opinion in the shape of rumours and gossip. In that case, the *operarii* would be professional brokers of news.

Finally, informal groups could also become disseminators of information. *Circuli*, rings of people who gathered for conversation or as an audience, were another form of sociability. Interestingly, this word was used for both popular gatherings and elite meetings.<sup>173</sup> For instance, during the patrician-plebeian conflict in 460 BC, some senators approached the plebs and spoke to them about the crisis, consorting among the *circuli*.<sup>174</sup> The description may be anachronistic, and Livy could be projecting a situation more typical of his own lifetime. This term could describe meetings of any kinds of persons. In 359–358 BC, the soldiers complained

<sup>170</sup> Cic. Fam. 8.1.1: 'Nescio cuius otii esset non modo perscribere haec, sed omnino animadvertere'.

<sup>171</sup> Liv. 26.26.10. On *otium* as 'time to write', see Stroup 2010: 37–65.

<sup>172</sup> *Operarius* is the term usually employed to designate someone engaged in small trade or craft (see Brewster 1917: 56), without more specific connotations.

<sup>173</sup> On *circuli*, see Cizek 1989; O'Neill 2001: 94–133 and 2003; Courrier 2014: 532–546.

<sup>174</sup> Liv. 3.17.10; O'Neill 2003: 138–139.



about senators: the moans and grievances began in the *circuli* and then grew to the size of an assembly.<sup>175</sup> In describing the permanent eagerness for doing something, Cicero considered talking *in circulis* as the opposite of that very motion: 'Moreover, we see that even the most indolent men, men of a singular worthlessness, are still always in motion both in mind and body; and when they are not hindered by some unavoidable circumstance, that they demand a dice-box or some game of some kind, or conversation (*sermo*); and, as they have none of the liberal delights of learning, seek circles (*circuli*) and assemblies.'<sup>176</sup> The opposition of these two different ways of talking, via *sermo* and via *circuli*, is especially interesting for this study.

O'Neill has linked *circuli* and *circulator* as part of popular sociability.<sup>177</sup> According to ancient sources, the *agger* and the *fora* were ideal places to form *circuli*.<sup>178</sup> O'Neill has pointed out that, analysing the uses of *circuli* in Livy, a pattern emerges: they occur in moments of great crisis, involving emotion and anger, and frequently associated with the lower classes; they may have been reflecting the fear of the Roman elite of such unauthorised gatherings.<sup>179</sup> 'The *sermo* that occurred at *circuli* represents public, generally non-elite speech.'<sup>180</sup> Criticism of plebeian conversations always attacked the medium (*circulator*, the *circuli*), and not their contents.<sup>181</sup> Courrier has also stated the strong link between popular utterances and *circuli*.<sup>182</sup> Boissier, in his study of opposition during the Empire, identified *circuli* with groups of idle people who gathered around to chat in the streets.<sup>183</sup>

Nevertheless, *circuli* were not exclusive to popular conversation or to critical political moments; circles of philosophers, learned men, or spectators in lawsuits were also included.<sup>184</sup> Among these categories, *convivia* and *circuli* were connected terms, mostly linked with the elite, thus showing that upper-class conversation could also take that form. Cicero stated that criticism of Caesar during the latter's consulate did not even feature *in*

<sup>175</sup> Liv. 7.12.14.

<sup>176</sup> Cic. Fin. 5.56: 'Quin etiam inertissimos homines nescio qua singulari segnitia praeditos videmus tamen et corpore et animo moveri semper et, cum re nulla impediatur necessaria, aut alveolum poscere aut quaerere quempiam ludum aut sermonem aliquem requirere, cumque non habeant ingenuas ex doctrina oblectationes, circulos aliquos et sessiunculas consecrari'.

<sup>177</sup> O'Neill 2003. <sup>178</sup> Quint. 12.10.74; Hor. Sat. 1.8.14–15; O'Neill 2003: 137.

<sup>179</sup> O'Neill 2003: 143. <sup>180</sup> O'Neill 2003: 148.

<sup>181</sup> O'Neill 2003: 159. Examples of these attacks in Sen. Ep. 40.3; Quint. 2.12.10.

<sup>182</sup> Courrier 2014: 532–546. <sup>183</sup> Boissier 1900: 71.

<sup>184</sup> See O'Neill 2003: 149–150; of philosophers, Nep. Epamin. 3, see Cizek 1989; of learned men, Gell. 4.1.1; on law courts, Cic. QF. 3.4.1, see Courrier 2014: 531, n. 396 for the differences between *circuli*, *coetus*, and *corona* in the law courts.



*circulis* because of fear.<sup>185</sup> Eight years later, according to Caelius, this same criticism was only voiced *inter paucos*, and was not transmitted to the public at large.<sup>186</sup> In 168 BC, Aemilius Paullus censured the armchair generals who had voiced their opinions *in omnibus circulis* on how he should conduct the war against Macedonia.<sup>187</sup> In his account of Tiberius' reign, Tacitus remarked that the emperor was aware that the senators voiced their complaints *in conviviis et in circulis*.<sup>188</sup> Apparently, the pairing had become a fixed expression, to mean both outside and inside, in the streets and in the houses. Nevertheless, this dichotomy did not always seem to be applied to popular and elite opinion, as Tacitus' evidence, amongst others, makes quite clear: senators also formed *circuli*.

Quintilian chose the following excerpt to define urbanity: 'Urbanity is the characteristic of a man who has produced many good sayings and responses, and who, whether in conversation in social or convivial gatherings (*in sermonibus circulis conviviis*), in public speeches, or under any other circumstances, will speak with humour and appropriateness. If any orator does this, he will undoubtedly succeed in making his audience laugh.'<sup>189</sup> Quintilian attributed this passage to Cato the Elder. Domitius Marsus, a poet during Augustan times, also quoted it in his *De urbanitate*; Hendrickson has suggested that Domitius Marsus may have referred to his contemporary Valerius Cato instead of Cato the Elder.<sup>190</sup> In any case, the problem of attribution is not convincingly settled. The author defined *urbanitas* as a general and cultural refinement, possessed by someone with a cultured wit and, furthermore, with a certain tone of voice and a careful urban pronunciation.<sup>191</sup> Thus, the advice about the *urbanus homo* was evidently not linked with the popular classes; he might have in mind if not the political, then at least the socio-economical Roman elite. Furthermore, its appearance in further works signals its popularity or, at least, its validity and appropriateness to later centuries. Interestingly, the author of the sentence added a third element to the phrase: *in sermonibus circulis conviviis*. It leads us to suppose that *sermones* and *circuli* were not exactly the same, but that the elite were involved in both. These three, together with speeches at *contiones*, formed the public sphere in which a man had an audience and became an *orator*. Thus, the importance of *circuli* is not diminished: a man who spoke in one of them, as in a *sermo* or at a dinner banquet, could be qualified as a speaker.

<sup>185</sup> Cic. Att. 2.18.2. <sup>186</sup> Cic. Fam. 8.1.4. <sup>187</sup> Liv. 44.22.6–10. <sup>188</sup> Tac. Ann. 3.54.

<sup>189</sup> Quint. 6.3.105: 'Urbanus homo [non] erit cuius multa bene dicta responsaque erunt, et qui in sermonibus circulis conviviis, item in contionibus, omni denique loco ridicule commodeque dicet. Risus erit quicumque haec faciet orator'.

<sup>190</sup> Ramage: 1959, 1960: 70; Hendrickson 1917: 90–91. <sup>191</sup> Ramage 1960: 63ff and 1963.

*Circuli* could belong either to elite or to popular sociability and, hence, involved the circulation of information and opinion. They could be formed not only in the streets but also at dinners. Livy employed the term *sermo* to define discourse or conversation, which could be held *in conviviis et circulis*: 'At first, the subject was spoken of in their circles and at their tables.'<sup>192</sup> Balbus' wealth and power made him hated in Rome, and he was viciously criticised in dinners and *circuli*.<sup>193</sup> This is consistent with Cicero's description of the best way to live and behave, which also touched upon conversations: 'Conversation (*sermo*) should be found in social groups (*circuli*), in philosophical discussions and among gathering of friends – and may it also attend dinners! (*convivia*)'.<sup>194</sup> It is contrasted with oratory, whose setting was at tribunals, informal assemblies, and the Senate.<sup>195</sup>

#### 6.4 Misreading Public Opinion: The Case of Caesar's Murder

Measuring public opinion correctly was a useful skill for Roman politicians. Not only did their chances of prospering in the *cursus honorum* depend upon it, but also there is a possibility that their politics would be supported either by the people or by the Senate. It required being able to gauge correctly and accurately both elite and popular public opinion.

Public opinion is, and was, especially difficult to measure. The variety of groups involved and the danger of focusing on only one group and leaving the others aside could lead to a bad decision. Oversimplification of the levels of opinion of both the elite and the people could lead to erroneous and disastrous judgements about the political situation. The analysis of the variety and levels of public opinion suggests that it was not a straightforward affair, but rather that several opinions usually coexisted. The presence of the spiral of silence should also be taken into account: opinions that are silenced because they are felt to be in the minority could suddenly spring to the fore. Furthermore, public opinion by definition was, and is, changeable and volatile, reacting to events and expectations.

One of the most flagrant cases of the misreading of the different levels of public opinion occurred during the Ides of March. The following pages

<sup>192</sup> Liv. 34.61.5: 'et primo in circulis conviviisque celebrata sermonibus res est'.

<sup>193</sup> Cic. Balb. 57: 'more hominum invident, in conviviis rodunt, in circulis vellicant'.

<sup>194</sup> Cic. Off. 1.132: 'sermo in circulis disputationibus congressionibus familiarium versetur sequatur etiam convivia'. Translation Griffin.

<sup>195</sup> Cic. Off. 1.132: 'contentio disceptationibus tribuatur iudiciorum contionum senatus'.

will examine how the conspirators read popular public opinion incorrectly or could not keep up with its fluctuations. Even for ancient authors, the events were confusing. Plutarch and Suetonius emphasised strongly that their sources, many of them contemporary or close to the events, were contradictory. Even for them it was difficult to reconcile what had happened during that confusing period.<sup>196</sup> Furthermore, Morstein-Marx has pointed out how contemporaries tried to create a version of events that presented a communal consensus.<sup>197</sup>

The relationship between the plebs and Caesar was not easy to define. In the minds of the murderers, Caesar's popularity was on the wane.<sup>198</sup> Jehne has called attention to the fact that some of Caesar's measures went against the interests of the plebs *urbana*, such as the exclusion of more than half of the recipients from the public *frumentationes*.<sup>199</sup> Episodes such as the diadem affair at the Lupercalia reflected upon the fact that there was no unanimous view of Caesar.<sup>200</sup> His refusal of the diadem that was offered to him as symbol of kingship was related to his desire to reject any association with that odious institution, especially in the eyes of the plebs.<sup>201</sup> Cicero recorded a *gemitus toto Foro* and the laments of the people, which turned into applause when Caesar refused to accept it.<sup>202</sup> Nicolaus of Damascus, on the other side, described different reactions of the people, who gave acclamations both times that the diadem was offered to him; only those who were in the background expressed their opposition.<sup>203</sup> The version proposed by Cicero shows a consensus on the part of the people; Nicolaus of Damascus, among whose sources were the autobiography of Augustus and the historical work of Asinius Pollio, proposed a more nuanced version in which at least two groups of opinion could be identified. This account matches more closely the ambiguous relationship between Caesar and many senators and the people, and with the typical existence of several groups of opinion.

After the murder, the first reaction of the people was one of mass panic; many fled to their houses, and shops were closed.<sup>204</sup> Tumult and confusing

<sup>196</sup> Woolf 2006: 15.    <sup>197</sup> Morstein-Marx 2004: 150–151.

<sup>198</sup> For the attitudes of the people towards Caesar as dictator, see Yavetz 1969: 44–57; Jehne 1987: 304–326.

<sup>199</sup> Jehne 1987: 304–308; App. BC. 2.102; Plut. Caes. 55.6; D.C. 43.25.2. Yavetz 1969: 46 had a more optimistic view, and pointed out the fact that many Roman citizens had settled overseas or fell in the war. Even so, the reduction was significant.

<sup>200</sup> Carson 1957; Rawson 1975; North 2008.

<sup>201</sup> North 2008. On the hatred of the kings by the Romans, see Rawson 1975.

<sup>202</sup> Cic. Phil. 2.84–86. The versions of Plutarch and Appian follow Cicero.

<sup>203</sup> Nic. Dam. 71–73.    <sup>204</sup> Plut. Caes. 67.1

rumours ensued.<sup>205</sup> All ancient versions coincide on depictions of unrest in Rome.<sup>206</sup> Could that panic be identified with passive opposition to the murder?<sup>207</sup>

Not all reactions are carefully thought-out political stances. It would not be the first time in Roman history when political dissension amongst the elite had resulted in a series of murders across the city, such as during the elimination of Caius Gracchus and his followers in 121 BC. One of the Gracchan supporters, Fulvius Flaccus, hid in a shop in one of the *vici* of Rome. The threat of the destruction of the neighbourhood prompted a citizen to reveal the presence of the fugitive.<sup>208</sup> The shouts for peace during the first meetings after the murder of Caesar, attributed by Appian to the elements of the crowd who had been bought, could also spring from a sense of self-preservation from future violence, which actually materialised in the following years, causing deaths and destruction.<sup>209</sup>

The conspirators, finding no throngs of people cheering them, fled to the Capitol.<sup>210</sup> In at least the six following *contiones*, the murderers and supporters of Caesar fought for public opinion.<sup>211</sup> It was probably the afternoon of the 15th March when Brutus and Cassius addressed themselves to the people, asking them to follow in the footsteps of their forefathers in driving away the kings from Rome.<sup>212</sup> The following day at dawn, M. Aemilius Lepidus, *magister equitum*, spoke publicly against the conspirators.<sup>213</sup> During that day, the *contio Capitolina* in which Brutus explained his actions also took place.<sup>214</sup> The final act was Antony's funeral oration.

The identification of the groups of public opinion involved is problematic. The sources do not specify the composition of the audiences of the *contio*. We do not know whether the same groups attended all meetings. For Appian, for instance, the plebs were divided into the incorruptible, faithful to Roman traditions, and those who were ready to be bought

<sup>205</sup> Nic. Dam. 92–94; App. BC. 2.118.

<sup>206</sup> Nic. Dam. 91–94; Plut. Caes. 67; App. BC. 2.118–120; D.C. 44.20.

<sup>207</sup> As stated by Yavetz 1969: 63–64. <sup>208</sup> App. BC. 1.3.26.

<sup>209</sup> App BC. 2.121. Such cries for peace were repeated in the *contio* held by Lepidus (App BC. 130–131). Once the senatorial decree of amnesty was passed, the crowd did not let the consuls speak in the *contio* until they shook hands with the conspirators in a sign of reconciliation (App. BC. 2.142).

<sup>210</sup> App. BC. 2.119.

<sup>211</sup> Pina Polo 1989: 308–309, n. 346–351; Pina Polo 1996: 159–162; Morstein-Marx 2004: 150–158 on the different reactions of the *contiones* after Caesar's murder; Welch 2012 on how all sides in the Ides of March tried to present themselves as the embodiment of Republican ideals.

<sup>212</sup> App. BC. 2. 121–122; D.C. 44.21. Pina Polo 1989: 308, n. 346.

<sup>213</sup> D.C. 44.22.1; Pina Polo 1989: 308–309, n. 348.

<sup>214</sup> Cic. Att. 15.1a; Plut. Brut. 18.10; Caes. 67.7; D.C. 44.34; App. BC. 2.137–141. Pina Polo 1989: 309, n. 349.

(*misthōtoi*), such as those who received the *frumentationes*, soldiers, the poor, and demobilised soldiers.<sup>215</sup> Such oversimplification of groups of public opinion was shared by the conspirators. The latter, surrounded by like-minded people, did not judge the temperature of public opinion correctly. In fact, most of their actions following Caesar's murder depended upon a frame of mind that the majority of the plebs did not seem to share, at least after the murder.<sup>216</sup>

Once the first moments of panic and confusion had passed, the conspirators' address to the plebs directly before the Senate hung on the belief that the plebs would support their idea that Caesar had become a tyrant.<sup>217</sup> The inscribed messages in Brutus' tribunal prompting him to murder the dictator encouraged the conspirators to believe that their reading of public opinion was correct; Cassius snubbed them and claimed that they could not have been written by artisans, but by the first and more important of the Romans.<sup>218</sup> This situation could be described as 'pluralistic ignorance', as the result of 'not representative or biased view of indicators of the opinion climate'.<sup>219</sup> The reception of the murder they had committed and of their explanations was neutral, and was definitely not enthusiastic.<sup>220</sup>

Cicero argued that there existed a long tradition in the Roman Republic of the legitimate killing of individuals who aspired to *regnum*. However, Pina Polo had called attention to the fact that, despite Cicero's argument, preventive tyrannicide was not an accepted concept during most of the Roman Republic. In fact, this idea was developed after the deaths of Tiberius and Caius Gracchus in order to justify their murders. The *populares* opposed such an argument, referring back to the tradition of exiling the supposed tyrants instead of murdering them. Thus, there was not a consensus within the elite regarding justification for such murders.<sup>221</sup>

What about the plebs? Appian and Dio Cassius asserted that Brutus referred to the example of the Roman kings, but this was only a summary of one of the many *contiones* that was held.<sup>222</sup> The praetor L. Cornelius

<sup>215</sup> App. BC. 2.120; 2.125–126. See Morstein-Marx 2004: 155–156 on an analysis of this division by Appian, in contrast with Cicero.

<sup>216</sup> On the attitude of the Roman people, see Yavertz 1969: 62–69; Gotter 1996: 21–41.

<sup>217</sup> Plut. Caes. 67.1.

<sup>218</sup> Plut. Brut. 10.6; App. BC. 2.113. Both versions are almost identical. On the graffiti: Morstein-Marx 2012: 204–214.

<sup>219</sup> Shamir and Shamir 2000: 25, 94–100. The term was coined by sociologist F. Allport in the 1920s.

<sup>220</sup> D.C. 44.21.2.

<sup>221</sup> Pina Polo 2006. Cicero's *De officiis*, written in the last months of 44 BC, is an elaboration *a posteriori* of this idea, which also figures in Cic. Phil. 2.117.

<sup>222</sup> App. BC. 2. 121–122; D.C. 44.21.

Cinna was apparently not among those who handled the daggers, but he was in favour of the coup. In fact, after the murder, he discarded his praetorian toga in public, claiming that he had received it from a tyrant, addressing the murderers as tyrannicides.<sup>223</sup>

Would the idea of the tyrannicide have been understood and shared by the audience? One of the significant traits of the Roman public sphere is that elite and plebs could communicate and understand each other, since there was no language difference between them. But in this case, along with the misinterpretation of public opinion, should miscommunication of political ideas also be added?

*Tyrannus* as a political term of invective is widely documented for the Late Republic.<sup>224</sup> Roman politicians used it extensively in the Senate and in speeches before the courts, interchangeably with Latin words such as *rex* and *dominus*, even though it implied a different tradition, that of the Greek tyrant, which conflated an immoral personality with political domination.<sup>225</sup> In fact, Tiberius Gracchus had been accused of that same behaviour in the session of the Senate by Nasica Serapio.<sup>226</sup> Roman people had become familiar with the figure of the tyrant through plays at the theatre. Adaptations of Greek popular works, in which the character of the tyrant appeared occasionally, had been habitual in Rome since the third century BC.<sup>227</sup>

However, *tyrannus* featured rarely in discourses of the elite before the people. Cicero used it in three *contiones* and then only once in each.<sup>228</sup> In the rest of his interventions before the people, Cicero used other concepts, especially *rex*, *regnum* and *dominus*, which were more familiar to his audience.<sup>229</sup> *Rex* was a more common and frequent term in popular

<sup>223</sup> App. BC. 2.121. The casting away of his toga by Cinna enraged the listeners. Nic. Dam. F130, 22.76; Val. Max. 9.9.1; Suet. DI. 85; App. BC. 2.121. At the meeting of the Senate in the temple of Tellus of 17 March, Cinna, who carried again his toga, was stoned and pursued until he found shelter in a house. At that point, only the intervention of Lepidus and his soldiers saved the house from being burned (App. BC. 2.126).

<sup>224</sup> See Dunkle 1967, esp. 160–170 for analysis of its use in Ciceronian oratory; Rawson 1975 (on the relationship between Romans and kings); Erskine 1991; Kalyvas 2007.

<sup>225</sup> Dunkle 1967: 152–153; 158–159; Pina Polo 2006: 72–80. Pace Erskine 1991, who suggests that *rex* absorbed the bad connotations of the Greek *tyrannos* through the figure of Tarquinius, modeled by historians as a Greek tyrant. In his opinion, Roman hostility to kings originated in their contacts with Hellenistic monarchs.

<sup>226</sup> Plut. Tib. Grac. 19.3.

<sup>227</sup> See Dunkle 1967: 153–155 and 1967: 152, n. 3 for complete references. The *Atreus* by Accius and the *Thyestes* by Ennius featured Atreus reciting the much-acclaimed line ‘oderint dum metuum’ (Cic. Off. 1.97; a similar variant in the *Thyestes*, Cic. Off. 2.23).

<sup>228</sup> Cic. Leg. Agr. 2.32; 3.5; Cat. 2.14.

<sup>229</sup> *Rex*: Cic. Leg. Agr. 2.15, 29, 33, 43. *Regnum*: Leg. Agr. 2.8, 24, 35, 43, 75; Cat. 3.9. *Regius*: Leg. Agr. 2.20, 32, 35. *Dominus*: Leg. Agr. 2.15, 21, 43, 61. *Dominatio*: Leg. Agr. 2.8, 81; 3.13; Cat. 2.19. On the charges of *rex* and *dominus*, see Wirszubski 1950: 87–88; Dunkle 1967: 156–158.

political invective.<sup>230</sup> During his triumph, Caesar's soldiers sung to him some verses based on Roman nursery songs, stating that, if he behaved correctly, he would be *rex*.<sup>231</sup> A certain Octavius addressed Pompey and Caesar in public as king and queen, respectively.<sup>232</sup> In 44 BC, the latter wittily diverted a similar attack in a popular acclamation, stating that his name was *Caesar*, not *Rex*, probably making a pun with the *cognomen*, related to Caesar's own family.<sup>233</sup> Thus, even though Roman people were acquainted with the concept of a tyrant up to a point, its use as a form of political abuse had not permeated from the elite, who used it more frequently. Some of the conspirators, especially Brutus and Cassius, had been schooled in Greek philosophy. Brutus was an adherent of the Old Academy, founded by Antiochus of Ascalon in the 80s BC as an updated Platonist school. Cassius was a well-known Epicurean.<sup>234</sup> The misreading of popular public opinion was not helped, if that was the case, by the use of concepts and ideas that were foreign or at least not too familiar to popular audiences.

The conspirators were surprised when the Senate fled after the murder, instead of hailing them as saviours of the Republic. Did they also misjudge elite public opinion? Those involved in the deed were a sizable number, at least sixty senators.<sup>235</sup> However, due to the reform of the Senate by Caesar, the number of senators was 900, a much greater number, even taking into account those who could sympathise with the murder. At a dinner in which Brutus sounded out possible allies through philosophical conversations, he discarded Favonius and Statilius; the first thought civil war was worse than a lawless monarchy, and the second, following his Epicurean ideals, thought it foolish to take risks on account of imprudent and bad people.<sup>236</sup> Leaving

<sup>230</sup> Erskine 1991: 119. It had been used as a term of abuse since at least Cato the Elder.

<sup>231</sup> D.C. 43.20. 3–4.

<sup>232</sup> Suet. DI. 49.2. There is no more information about Octavius. RE s.v. Octavius 4 attributes the event to 59 BC. Such accusations against Pompey were not uncommon. Cato charged Pompey of wanting to be *rex* in a *contio* in 55 BC (Plut. Cat. Mi. 52.1, Plutarch uses the term 'tyrant'). Favonius accused Pompey of tyranny for wearing a diadem, part of the typical outfit of the tyrant. Pompey alleged that it was a bandage on the leg, aimed at covering an ulcer (Val. Max. 6.2.7).

<sup>233</sup> Suet. DI. 79.2; Plut. Caes. 6.2; D.C. 44.10.1; App. BC. 2.108. See Deutsch 1928 on possible interpretations of Caesar's reply; esp. p. 395 on the family relationship between the *Marcii Reges* and Caesar. A similar pun on the name *Rex* was delivered by Cicero to Clodius (Cic. Att. 1.16.10). On Caesar's alleged yearning for the title *rex*, see Carson 1957: 51–53; Rawson 1975 denied Caesar's aspiration to *regnum*.

<sup>234</sup> Sedley 1997 (on Brutus); Benferhat 2005: 261–266 (on Cassius Longinus).

<sup>235</sup> RE s.v. Iulius Caesar (Gröbe) pp. 254–255 for a list of the sixteen known names.

<sup>236</sup> Plut. Brut. 12.3–4. On Statilius, see RE. s.v. Statilius (Münzer). An analysis of both answers in Sedley 1997: 45–49. Favonius was perhaps a Stoic, although he was thought to have a proximity to the Cynics.



aside Caesar's staunch supporters, even people like Favonius, who had been a strong opponent of Caesar since at least 59 BC, were not ready to involve themselves in overturning the dictator, or at least not in initiating the coup.<sup>237</sup> And, as the conspirators argued when deciding to leave Cicero aside, intellectual support does not always entail the desire and will to act when necessary.<sup>238</sup> Furthermore, after their first addresses to the people, the conspirators stayed entrenched in the Capitol and did not convene an emergency meeting of the Senate, which would have given them a chance, at least, to gather senatorial opinion around them.<sup>239</sup>

Mark Antony measured the temperature of public opinion more accurately, engaged with it, and managed to turn the situation around. He organised the funeral as a performance between the funeral cortège and the crowd.<sup>240</sup> It was not only his *laudatio funebris* that carried the day but also the procession, the person who impersonated Caesar and recalled what he had done for each one of his murderers, and especially the sight of the body of Caesar and his clothes drenched in blood. According to Appian, there was even a wax body of Caesar, featuring the twenty-three wounds, shown on top of a mechanical device that turned so that everybody could see it, since the actual body was lying flat on a couch.<sup>241</sup> The reading of Caesar's will, in which he left 300 sesterces to each Roman citizen, along with his gardens around the Tiber, had probably helped to build the mood in favour of his memory and against his murderers.<sup>242</sup> The audience even took part in the antiphonal singing of laments, an ancient custom usually carried out by professional mourners.<sup>243</sup> No *contio* of the conspirators had deployed so many convincing, sentimental and powerful weapons. Cicero, whose oratory relied heavily upon stirring the emotions of the audience, had criticised Brutus' address to the people, complaining that the speech was elegant but lacked the force of conviction.<sup>244</sup>

As a consequence, Mark Antony's audience reached a consensus that led to the burning of the corpse and the assaults on the houses of the assassins.

<sup>237</sup> Although he was among the first senators who supported the conspirators after the murder (App. BC. 2.119).

<sup>238</sup> Liv. Per. 116; App. BC. 2. 143–145; Plut. Brut. 12.1–2; Suet. DI. 84;

<sup>239</sup> Cic. Att. 14.10 criticised them for not summoning the Senate, and thought that it would have been the best course of action. See Mahy 2010: 26–27.

<sup>240</sup> Flower 1999: 125–126. On the funeral, see also Weinstock 1971: 346–355; Sumi 2005: 100–112.

<sup>241</sup> App. BC. 2.146.

<sup>242</sup> Plut. Ant. 14.3–4; Cic. 42.2ff; Brut. 20.3; Suet. DI 83 (on the will); D.C. 44.35.3 gave the figures of 120 sesterces (according to Augustus' own account) or 300 sesterces, which was and is the generally accepted amount.

<sup>243</sup> App. BC. 2.146; Flower 1999: 125. <sup>244</sup> Cic. Att. 15.1a; 11.2; 15.3.2.



The tribune Helvius Cinna was even murdered by the people, mistaken for the praetor L. Cornelius Cinna, who had talked in public against Caesar sometime beforehand.<sup>245</sup> Popular anger was stirred during Caesar's funeral. Atticus had predicted it in a letter to Cicero: all would be lost if Caesar received a public funeral.<sup>246</sup> In contrast, the conspirators' speeches were not as successful, firstly because of the bad timing, surrounded by panic; and secondly because during the first crucial moments they relied on public opinions that had not been correctly interpreted or had not changed to that extent. Furthermore, if they justified the murder as an act against a tyrant, they used terms that rarely featured in *contiones*, establishing a conceptual gap between the conspirators and their audiences. Of course, other considerations have to be taken into account, such as the complex political moves on both sides, and the presence of Caesar's veterans and the army that Lepidus deployed the following day into the Forum, among others.<sup>247</sup> In any case, the continual misreading of public opinion by the conspirators and their lack of engagement with the different groups of opinion should be added to the reasons for their failure. Public opinion was a chance for senators, since its use could be rewarding and make a political career thrive. However, public opinion was also a challenge: as the days after the murder of Caesar shows, misreading it could entail many risks. It was not a game that could be played without consequences.

In conclusion, the circulation of information and public opinion was based, in Rome, on personal relationships, which fed on regular scheduled and non-scheduled contacts. Public opinion rarely presented itself in a unified group. On the contrary, groups of public opinion were always varied, because of the different ideas and nuances that were present in politics. Only when a politician deployed his whole rhetorical arsenal to push for a single opinion was this variety reduced. Furthermore, the 'spiral of silence', which exploited people's natural fear of isolation, could diminish further the multiplicity of opinions.

The analysis of the groups involved in public opinion offers a nuanced view of Roman politics. Disseminators of public opinion were essential, in order for news to circulate around the city: barbers, *circulatores*, or groups who hung around the Forum. Divisions over the reaction to news and political ideas created different groups and levels of public opinion. Even

<sup>245</sup> Suet. DI. 85; Val. Max. 9.9.1; Plut. Caes. 68; Brut. 20; App. BC. 2.147; D.C. 44.50. Pina Polo 1989: 310. Morstein-Marx 2004: 151, n. 166 believes that Suetonius' *pridie*, which would place a *contio* by Cinna the day before the funeral of Caesar, is a slip, preferring the version of Appian and Plutarch.

<sup>246</sup> Cic. Att. 14.10. <sup>247</sup> Nic. Dam. 25 stated that the conspirators especially feared the veterans.

though they are difficult to track in the sources, these groups were of varied and shifting composition, a characteristic that agrees with the nature of Roman Republican politics, which was composed of short-term alliances over specific issues. The sources present us with snapshots of different groups at specific moments in time, with an assortment of different terms to designate groups of public opinion, well beyond the dichotomy of *optimates-populares*. Popular opinion groups are more difficult to identify, due to lack of interest from, or their oversimplification by, elite politicians.

In any case, the sources are clear about the existence of a popular public opinion, which sometimes agreed with the opinion of the elite, at other times ignored it, and on some occasions clashed against it. In this sense, the picture of an elite who always led the people to think in a certain way about specific issues is reductionist. As we have seen, both elite and plebs were moved by skilful and charismatic politicians, but also by certain ideas. Information and opinions travelled not only in a downward movement but also upwards, with elite and plebs interacting in many cases. Public opinion was mainly about negotiation and interaction, rather than confrontation. Only when all channels of communication between the various groups had been severed did conflict ensue.

## CHAPTER 7

### *Rhetoric and Public Opinion* *Theory and Practice*

Oral expression represented the main source of exchange of opinions and communication within the elite, and between the elite and the plebs. Because of this, Roman politicians had to be skilled in dealing with public opinion, to appease it, scorn it, ignore it, deny it, or encourage it. The importance of public opinion in politics meant that Roman rhetoricians treated it in their handbooks, and trained their students and readers on how to use it and deal with it.

This chapter will address the question of how rhetoricians advised their pupils and readers to use public opinion, especially regarding how to face the audience. Taking into account that those students were, years later, the politicians who would speak in the courts of justice, the assembly, and the Senate, analysing the rhetorical strategies suggested by the manuals allows grasping the theory behind the use of public opinion in politics.

Once the theory has been covered, three judicial speeches of Cicero will be analysed, in order to understand the practice of rhetorical strategies related to public opinion. The examination of three of Cicero's speeches will show how the orator tried to bend public opinion in his favour, using a background of animosity or of benevolence towards the accused or accuser and, occasionally, even creating it. In any of these cases, public opinion had to be taken into account, even to manipulate it. The *Verrines* is an example of the creation of public opinion; the *Pro Cluentio* actually fought against strong public opinion; finally, the *Pro Rabirio Postumo* demonstrated how to address negative public opinion of long duration. Such analyses will show light on the difficulties of controlling, bending it or even attempting to change its course while, at the same time, giving the audience the necessary impression that their opinion was not left aside.

### 7.1 How to Deal with the Audience according to Latin Rhetoricians

Rhetorically, public opinion was conceived in two spaces: first of all, as the opinion of the audience who attended the trial or the assembly, and secondly, as the public opinion which circulated around the city. In fact, these things were really one and the same, and the speaker should be skilled in dealing with them.

Roman rhetoricians addressed the issue of public opinion in their manuals. The first manual in Latin known to us, the *Rhetorica ad Herennium*, suggested various strategies when dealing with rumours. Following this, Cicero's rhetorical treatises and speeches both dealt with such issues in theory and practice. He published his speeches partly for rhetorical reasons, since he intended them to serve as a model for future students of rhetoric.<sup>1</sup> They were reedited for publication, and the degree of the changes has been discussed.<sup>2</sup> Quintilian also engaged with such problems in his advice to the future orator. His *Institutio oratoria* was published in AD 95, almost a century and a half after Cicero's death. The chronological gap implied that the kind of oratory that Cicero had practiced was no longer a possibility: with the arrival of the Empire, criminal trials were not judged openly in the Forum, with large audiences, and *contiones* were delivered by the emperor, not by senators. However, Quintilian harked back to Republican times, desiring that his pupils would become orators carved in the Ciceronian tradition. His recommendations on how to deal with public opinion were fashioned on Cicero's practical works, with references to specific speeches and discussions of strategy.

Public opinion could influence a trial profoundly. When trials took place before the people (*iudicium populi*), the orator was compelled to convince the audience, since the latter would vote for the condemnation or acquittal of the accused. Nevertheless, Latin rhetorical works of the first century BC were written at a time when the judicial system was based on permanent or exceptional tribunals (*quaestiones*), with juries composed of the social and political aristocracy (senators, *equites*, tribunes of the treasury). In this case, the orator had to convince not only the jury but also the audience, because, although the latter did not vote, it influenced the

<sup>1</sup> Stroh 1975: 31–54. Other reasons, for example, have been put forward by Crawford 1984: 10–11, who highlights the important contemporary political impact of the publication. Artistic considerations should be also taken into account.

<sup>2</sup> On the much-discussed matter of Cicero's re-elaboration of his own speeches, see Humbert 1972; Stroh 1975.

outcome of the trial through its mere presence or absence, and its support of the accused or lack of it.<sup>3</sup> Even though the people did not have the last word, their opinion had to be taken into account carefully. Quintilian recommended that the orator should consider the external circumstances of every case, among which he specifically mentioned the expectations and public opinion.<sup>4</sup>

Trials in Rome were not held behind closed doors. The fact that they were carried out in the Forum offered the possibility to all passers-by to assist. *Causae célebres* could create much expectation and attract a large public. In 51 BC, the Senate could not decide about the matter of provinces because most of the senators were attending the trial of C. Marcellus, accused of *ambitus*, and no quorum could be reached.<sup>5</sup>

Roman rhetoricians confirmed the presence of crowds of people around judges and orators, graphically called *corona*, since they surrounded the participants in the trial. Cicero stated that the *corona* could even move and abandon an orator, which was an affront to the latter and which cast doubts over his skills before the members of the jury.<sup>6</sup> In fact, the presence of a group of listeners hanging on every word of the speaker was considered by Tacitus as a mark of outstanding rhetoric.<sup>7</sup>

The different reactions of the audience allowed the rhetors to identify several types of cases. In the *De inventione*, Cicero divided them into *honestus* (honourable), *admirabilis* (extraordinary), *humilis* (low), *anceps* (ambiguous), and *obscurus* (complicated).<sup>8</sup> Quintilian added a sixth case, *turpis* (scandalous), which could be included among those of low category (*humilis*), or the extraordinary (*admirabilis*).<sup>9</sup> In honourable cases, the orator would not work too hard, since the listeners were convinced beforehand, even before his speech. In extraordinary cases, public opinion or previous speeches had enjoyed an important role, and the attitude of the judges was set. Thus, the minds of the listeners were downright hostile.<sup>10</sup> The orator should attempt to win over that predisposition, giving the case an extraordinary character. Nevertheless, he should be cautious, because trying to win over a hostile auditorium could backfire, and increase their hatred.<sup>11</sup> In ambiguous cases (*anceps*), opinion was divided. When a case is described as low, it is because the listeners did not consider the matters to be worthy of their attention.

<sup>3</sup> See Rosillo-López 2017a. Morstein-Marx 2004: 206, n. 10 argues that only the jurors counted.

<sup>4</sup> Quint. 4.1.31.

<sup>5</sup> Cic. Fam. 8 9.2. On the quorum of the Senate, see Bonnefond-Coudry 1989: 401–413.

<sup>6</sup> Cic. Brut. 289; Millar 1998: 217–218. <sup>7</sup> Tac. Dial. orat. 6.4. <sup>8</sup> Cic. Invent. 1.20.

<sup>9</sup> Quint. 4.1.40. <sup>10</sup> Cic. Invent. 1.20. <sup>11</sup> Cic. Invent. 1.21.

The rhetoricians suggested that a speech should vary according to the sometimes downright unpredictable reactions of the audience.<sup>12</sup> Texts should not be memorised, because neither external circumstances nor the feelings or reception of the spectators could be predicted. In fact, Cicero even advised the complete rejection of everything that the audience did not like.<sup>13</sup> The speaker should always yield to the taste of the listeners.<sup>14</sup>

In a more theoretical approach, Quintilian warned of the existence of three types of audience, according to the intentions with which they attended the trial: 'One which comes simply for the sake of getting pleasure, a second to receive advice, a third to give judgement on causes'.<sup>15</sup> Cicero described the ideal disposition of the audience with three adjectives: *benivolus*, *attentus*, and *docilis*.<sup>16</sup> *Benivolus* stems from *benevolentia*, a concept associated with friendship in the Roman world. It expressed the active aspects of *amicitia*, and was linked closely to the political world.<sup>17</sup> Cicero held that wishing and procuring good for loved ones was a natural consequence of friendship.<sup>18</sup> Its political implications were clear, for instance, in the elections: the voters turned into *amici* when they voted for the candidate.<sup>19</sup> In the context of trials, *benevolentia* transformed judges and listeners into *amici*. The latter could be gained through different means: the person of the orator, the presence of unpopular opponents, the jury, or the case.<sup>20</sup> Cicero particularly recommended flattering the *honesta existimatio* and the *auctoritatis expectatio* of the jury, since they would take the final decision on the trial.<sup>21</sup> The orator appealed to their public image and their self-image, praising the opinion that people had about them (*existimatio*), and the expectations of their authority and responsibility as judges.

To have a *docilis* audience, the orator should ensure that it is attentive.<sup>22</sup> In this case, 'receptive' does not express all the nuances of *docilis*, which also alludes to 'docile, easy to be manipulated'.<sup>23</sup> Quintilian used this concept frequently to describe a specific mood of the people and judges. The *exordium* not only prepared the audience for the arguments; it also intended to penetrate into the judge's mind during the case.<sup>24</sup> In fact, if the

<sup>12</sup> Cic. Orat. 123.    <sup>13</sup> Cic. Part. Orat. 15.    <sup>14</sup> Cic. Orat. 24.

<sup>15</sup> Quint. 3.4.6: 'Qui uero defendunt, tria faciunt genera auditorum: unum quod ad delectationem conueniat, alterum quod consilium accipiat, tertium quod de causis iudicet'. Aristotle was the original source for this statement (Arist. Rhet. 1358a 36–b8).

<sup>16</sup> Cic. Invent. 1.20. Same idea and terminology in Quint. 4.1.5.

<sup>17</sup> Hellegouarc'h 1963: 149–150.    <sup>18</sup> Cic. Lael. 19.    <sup>19</sup> Comm. Pet. 21.    <sup>20</sup> Quint. 4.1.6–22.

<sup>21</sup> Cic. Invent. 1.22. *Auctoritatis expectatio*: Alcuin Rhet. 20 (quote from Cicero).

<sup>22</sup> Cic. Invent. 1.23.    <sup>23</sup> OLD. s.v. *docilis*. See Quint. 4.1.5.    <sup>24</sup> Quint. 4.1.5.

opponent had already convinced the judge, it would be necessary to alter his opinion, turning him *docilis*.<sup>25</sup>

The attention of the audience should be gained by every means possible. The promise of a clear explanation of the case usually turned people into attentive listeners. It was one of Quintilian's favourite topics: cases should be explained plainly, so that the judges would understand them and be convinced by the orator's speech.<sup>26</sup> Other promises worked similarly: attention could be attracted by highlighting the importance, novelty, or impossible character of a case.<sup>27</sup> The *communicatio*, or asking the audience, was also designed to catch the attention of the listeners, and according to Cicero, it represented the sign of a perfect orator.<sup>28</sup> These rhetorical questions caused the listeners to refresh their memories about the fact of the case, and so they verified that the orator had treated every aspect competently.<sup>29</sup> The orator could also hold their interest if he made the case important to them, or at least to the State. An effective way was to ask for empathy with the victims, by requesting that the listeners consider them as part of their own family.<sup>30</sup> Nevertheless, the orator should always be wary of these appeals to *pathos*, as emotions did not last long. Cicero shared the opinion of his teacher Molo: 'Nothing dries quicker than tears.'<sup>31</sup>

Problems could arise when the audience was already won over by the opponents. In this case, Cicero advised firstly to dismantle the argument that had captivated the people. Expressing perplexity and astonishment was another option, mixed with doubts about which part of the speech to attack first. This self-reliance would impress the listeners.<sup>32</sup> Quintilian also worried about a judge won over by public opinion. He therefore suggested two ways to destroy those preconceived ideas:

But of the two modes of producing fear in judges, one is common and well received, when we express concern, for example, that the Roman people may not think unfavourably of them, or that their privilege of sitting as judges may not be transferred from them to another body. But the other is unusual and violent, as when the speaker threatens the judges with a charge of bribery, a threat which it is certainly safer to address to a larger body of judges than to a small one, for the bad are alarmed and the good pleased. But to a single judge I should never recommend it to be used, unless every other resource has failed.<sup>33</sup>

<sup>25</sup> Quint. 4.1.37–38.    <sup>26</sup> Quint. 4.1.5.    <sup>27</sup> Cic. Invent. 1.23.    <sup>28</sup> Cic. Orat. 138; Quint. 9.1.31.

<sup>29</sup> Cic. Invent. 1.98.    <sup>30</sup> Cic. Invent. 1.105.    <sup>31</sup> Cic. Invent. 1.109: 'Lacrima nihil citius arescit'.

<sup>32</sup> Cic. Invent. 1.25.

<sup>33</sup> Quint. 4.1.21: 'Alter ille frequens et favorabilis, ne male sentiat populus Romanus, ne iudicia transferantur, alter autem asper et rarus, quo minatur corruptis accusationem, et id quidem in

Nevertheless, he added, this was within everybody's reach, even that of untrained speakers, since issuing threats did not require rhetorical training.<sup>34</sup>

In notorious cases, the public could feel offended either by the issue or by the accused. Cicero advised the substitution of whatever provoked offence for something or someone that the public favoured. Furthermore, the orator should not reveal that he was going to defend a scandalous behaviour or case. These tactics had a precise objective, that is, to create a favourable ambience in the audience, so that the latter would believe the orator when he claimed to be as disgusted as they were. Finally, rivals should be attacked gradually, but not openly from the beginning; thus the orator would gain the *benevolentia* of the audience.<sup>35</sup>

Hence, the orator should try to attract the attention of the audience by all possible means, moving it away from the opponents' arguments. And not only that: in the *De oratore*, Antonius stated emphatically that not only should the audience's attention be captured, but also the audience should follow its passions through the emotions stirred up by the orator.<sup>36</sup>

## 7.2 The Orator before Public Opinion

In their works, rhetoricians maintained an ambiguous attitude towards public opinion. On one hand, they taught how to use it and bend it in the speaker's favour. On the other hand, they also showed respect and fear towards it, because ignoring it could entail serious problems in a trial, even defeat. Aristotle stressed the importance of being perfectly aware of public opinion before the beginning of the trial, in order to choose the most appropriate strategy for the speeches.<sup>37</sup> Cicero advised his students to conciliate the *animi* of the listeners and their opinions before reaching any demonstration or final conclusion.<sup>38</sup>

The orator should not only be aware of public opinion but also, if necessary, should adapt and accommodate himself and the facts to the opinion and customs of the audience, in order to make his case plausible enough to win.<sup>39</sup> He highlighted that the plausibility of the *narratio* could be achieved through three means: first of all, through the adjustment of the speeches to the actors, so that their actions appeared natural and not artificial. The two following methods were not related to the people

consilio ampliore utcumque tutius (nam et mali inhihentur et boni gaudent), apud singulos vero numquam suaserim, nisi defecerint omnia'.

<sup>34</sup> Quint. 4.1.22. <sup>35</sup> Cic. Invent. 1.24. <sup>36</sup> Cic. De Orat. 2.178. <sup>37</sup> Quint. 3.7.23–24.

<sup>38</sup> Cic. De Orat. 1.143. <sup>39</sup> Cic. Invent. 1.29.



directly linked to the trial, such as the orators, judges and praetor. Cicero pointed directly to the *mores vulgi*, the customs of the plebs, of the common people and to the *opinio* of the listeners. It is symptomatic that Cicero was especially concerned about the attitude, thoughts and beliefs of the *corona*.<sup>40</sup>

At the same time, the opinion of the audience not only could influence the plausibility of the case but also could determine the kind of oratory that was used in the trials. Cicero expressed it in the negative: only those who focused on the approval of the audience accommodated their speech to its tastes.<sup>41</sup> However, throughout all the rhetorical treatises, he stressed several times that gaining the approval of the public through any means possible was crucial. Thus, in the *De oratore*, Crassus attested that even the language of the trials was tailored to the listeners: 'But the speech that we use in the Forum (or in the courts of justice), adapted for contest, full of acrimony, formed to suit the opinion of the people, is poor indeed and beggarly.'<sup>42</sup> Once again, the orators should adapt not only their language but also the opinion that they were voicing to the audience. In fact, Cicero pointed out frequently that the taste of the listeners had given the measure of eloquence, since orators complied with their wishes in order to please them.<sup>43</sup> Atticus even enquired directly about that matter in the *Brutus*.<sup>44</sup> Cicero answered categorically: the orator who is applauded by the people is also cheered by the connoisseurs; his speech had been successful, because the listeners had felt what he wanted them to feel.<sup>45</sup> If people believed and trusted what the orator had pleaded, and yielded to his persuasive language, no other critical judgement was necessary.<sup>46</sup> Nevertheless, Cicero's opinion on this matter was not always coherent. In the *De oratore*, he stated that one should not always be carried away by the incompetent orators that people applaud.<sup>47</sup> In the *Brutus*, he acknowledged that the public could be mistaken and could cheer a mediocre or bad orator.<sup>48</sup>

Rumours, as well as actual beliefs, played an important role in the courts of justice (cf. *infra*). The *Rhetorica ad Herennium* was profoundly worried about rumours, and gave complete and detailed instructions on how to deal with them:

<sup>40</sup> On the weight of the opinion of the *corona* on the final decision of the judges see Rosillo-López 2017a.

<sup>41</sup> Cic. Orat. 24.

<sup>42</sup> Cic. De Orat. 3.92: 'Instrumentum autem hoc forense, litigiosum, acre, tractum ex vulgi opinionibus, exiguum saneque mendicium est'. The word *forensis* could be translated as 'courts of justice' or 'the public arena, the forum' (see OLD, s.v. *forensis*).

<sup>43</sup> Cic. Orat. 24. <sup>44</sup> Cic. Brut. 183. <sup>45</sup> Cic. Brut. 188; Brut. 184–185. <sup>46</sup> Cic. Brut. 187.

<sup>47</sup> Cic. De Orat. 1.118. <sup>48</sup> Cic. Brut. 193.

We shall speak in favour of rumour by saying that a report is not to be created recklessly and without some foundation, and that there was no reason for anybody to invent and fabricate one; and, moreover, if other rumours usually are lies, we shall prove by argument that this one is true. We shall speak against rumours if we first show that many rumours are false, and cite examples of false report; if we say that the rumours were the invention of our enemies or of other men malicious and slanderous by nature; and if we either present some story invented against our adversaries which we declare to be in every mouth, or produce a true report carrying some disgrace to them, and say we yet have no faith in it for the reason that any person at all can produce and spread any disgraceful rumour or fiction about any other person. If, nevertheless, a rumour seems highly plausible, we can destroy its authority by logical argument.<sup>49</sup>

The author suggested denying rumours and attacking their verisimilitude as sources of information.<sup>50</sup>

Quintilian did not consider that treating rumours was a daunting task, either to refute or to support them:

With regard to rumour and common report (*fama, rumores*), one party will call them the verdict of public opinion (*consensus civitatis*) and the testimony of the world at large (*publicum testimonium*); the others will describe them as vague talk (*sermo sine ullo certo auctore dispersum*) based on no sure authority, to which malignity has given birth and credulity increase, an ill to which even the most innocent of men may be exposed by the deliberate dissemination of falsehood on the part of their enemies. It will be easy for both parties to produce precedents to support their arguments.<sup>51</sup>

But rumours should be taken into account even from the beginning of the trial, in the *exordium*.<sup>52</sup> He classed rumours in the same bracket as decisions or previous courts, evidence extracted by torture, oaths, documents, and

<sup>49</sup> Rhet. Her. 2.12: 'A rumoribus dicemus: si negabimus temere famam nasci solere, quin subsit aliquid; et si dicemus causam non fuisse, quare quispiam confingeret et eminceretur; et praeterea, si ceteri falsi soleant esse, argumentabimur hunc esse verum. Contra rumores dicemus: primum, si docebimus multos esse falsos rumores, et exemplis utemur, de quibus falsa fama fuerit; et aut iniquos nostros aut homines natura malivolos et maledicos confinxisse dicemus; et aliquam aut fictam fabulam in adversarios adferemus, quam dicamus omnibus in ore esse, aut verum rumorem proferemus, qui illis aliquid turpitudinis adferat, neque tamen ei rumori nos fidem habere dicemus, ideo quod quivis unus homo possit quamvis turpem de quolibet rumorem proferre et confictam fabulam dissipare. Verumtamen si rumor vehementer probabilis esse videbitur, argumentando famae fidem poterimus abrogare'.

<sup>50</sup> Rhet. Her. 2.5.

<sup>51</sup> Quint. 5.3: 'Famam atque rumores pars altera consensum civitatis et velut publicum testimonium vocat, altera sermonem sine ullo certo auctore dispersum, cui malignitas initium dederit, incrementum credulitas, quod nulli non etiam innocentissimo possit accidere fraude inimicorum falsa vulgantur. Exempla utrimque non deerunt'.

<sup>52</sup> Quint. 4.1.52.

witnesses as inartificial proofs.<sup>53</sup> Cicero did not cover rumours in his rhetorical works, but they featured amply in his speeches, especially in the ones that will be analysed: the first *Verrine*, the *Pro Cluentio*, and the *Pro Rabirio Postumo*.

The dependence on the audience and its opinion, and its importance for the victory in the trial, led to a certain fear of the public. Crassus admitted that the *expectatio hominum* was one of the factors that could make even an experienced orator nervous, together with the difficulty of speaking in public and the consequences of the speech.<sup>54</sup> The orator dreaded not only the interventions of the people but also the opinions about him: if he failed, the *opinio tarditatis*, the reputation for ineptitude, would linger.

In the end, the judgement of public opinion was necessary, but feared. In a revealing passage, Cicero asked Brutus whether he would be able to continue speaking if the audience abandoned him physically. Brutus answered unequivocally: even if the judges were there, if the *corona* left him, he would be unable to speak.<sup>55</sup> This passage evokes clearly the importance of the audience, the ambiguous relationship between the orator and public opinion, the dread that the speaker professed for it, and even the terror of being deserted by it.

### 7.3 Public Opinion in Practice in the Courts of Justice

Why was public opinion so important in the courts of justice? Even though they did not vote, the Roman people had an important part to play in the result of a trial. Cases brought before the courts, then, represent an interesting source for the study of public opinion. Public opinion could be decisive in a trial. This section will study three speeches in which Cicero either used or fought public opinion: the *Verrines*, the *Pro Cluentio*, and the *Pro Rabirio Postumo*. This choice also provides an array of points of view from the part of the speaker: as an accuser (in the *Verrines*), and as part of the defence (*Pro Cluentio* and *Pro Rabirio Postumo*); also, two of the speeches are of criminal nature (*Verrines* and *Pro Rabirio Postumo*) and one is of civil character (*Pro Cluentio*).

#### 7.3.1 The Speeches against Verres

Quintilian recommended taking into account the external circumstances of every case, among them the bad reputation (*fama*) of the courts of justice

<sup>53</sup> Quint. 5.1.2. <sup>54</sup> Cic. De Orat. 1. 120. On stage fright, see Cic. Cluent. 51; Caec. 41; Deiot. 1.

<sup>55</sup> Cic. Brut. 192.

and the exigencies and public expectations (*expectatio vulgi*). Public opinion also figured in this list, and he mentioned the *Verrines* speeches as an example of its influence in trials.<sup>56</sup> Their analysis will be restricted to the *divinatio* and the first speech, the only ones delivered before an audience. Verres left Rome after the latter, so the rest of the speeches were published, even though the speeches mentioned beforehand were also re-elaborated for publication.<sup>57</sup>

During the case, Cicero was especially worried about the weight of Verres' fortune and his political connections. The orator tried not only to use public opinion to convince the judges of the accused's culpability but also to incline that opinion towards him. Did public opinion against Verres exist or was it an invention *ex nihilo* of the orator? This is a complex question, since we only have Cicero's speech to clarify it. It is clear that he, as orators did, increased or diminished the importance of facts and opinions during trials to win the case.

In the first speech of the *Verrines*, Cicero's strategy was founded on four key points: first, Verres was going to use bribes to be acquitted; second, Verres would be acquitted because of his status as senator; third, public opinion wanted Verres' condemnation; and fourth, in case of acquittal, judges would fall into public disdain and would lose their authority in tribunals. These four arguments were addressed to three different groups of public opinion: that of the judges, the people, and the senators. In effect, Cicero won the case, thanks to his ability to appeal to different groups of public opinion.

At the beginning of his speech, in the *exordium*, Cicero pointed out that Verres was still hoping to be saved by his wealth.<sup>58</sup> Cicero played to win: even members of the elite worried when they had to confront a richer opponent in a trial. This idea was repeated throughout the *Verrines*, but it was not new at that moment, since it had already appeared in the *exordium* of the *divinatio*.<sup>59</sup> This reasoning arrived at its highest point when Cicero highlighted that, since the tribunes of the plebs had been deprived of their powers, only a senator had been condemned by a court; and he was poor.<sup>60</sup> The affirmation was not correct; Cicero was manipulating facts. During that period, four senators were condemned (or at least as preserved by the sources), among them Cnaeus Cornelius

<sup>56</sup> Quint. 4.1.31.

<sup>57</sup> On the *Verrines*, see Butler 2002: 71–84, Frazel 2004; Gurd 2010. See Hillard 1981 and 1984 on the political context of the trial.

<sup>58</sup> Cic. Verr. 1.10. <sup>59</sup> Cic. Div. Caec. 8. <sup>60</sup> Cic. Verr. 1.46.

Dolabella, who had to pay a fine of three million sesterces, implying that his fortune was considerable.<sup>61</sup>

The *propositio* of the *Verrines* was especially dedicated to highlighting the importance of public opinion, at the same time that Cicero was trying to shape it. He pointed out that a crowd of people was awaiting the trial eagerly. Immediately afterwards, he warned the audience that Verres wanted to fool everybody: not only the judges but also the Roman people, the allies, foreign nations and senators.<sup>62</sup> The orator also tried to persuade the judges that public opinion fervently desired Verres' condemnation. Thus, he stated: 'A man condemned in the opinion of everyone by his life and actions . . . I, judges, have undertaken this cause as prosecutor with the greatest good wishes and expectation on the part of the Roman people.'<sup>63</sup> These observations were addressed to the judges, so that the latter could see the unanimity of public opinion in this case. The *expectatio omnium* was mentioned several times during the *divinatio* and the first speech. At a given point, Cicero stressed that not only were people aware that Verres was guilty, but they also had information about all the details of the accusation: they knew beforehand what he was going to say.<sup>64</sup>

In this way, Cicero managed to reinforce his defence, pretending that the people and public opinion supported him. His bet was risky. Since no other speech about this process has been preserved, real public hostility against Verres cannot be estimated. According to his own words, Cicero had already used this strategy in the rejection of the judges.<sup>65</sup> In the middle of the speech, Cicero even underlined that his doings were pleasing to the Roman people.

Cicero thus toyed with public hostility towards political corruption, and especially towards the crime of extortion (*repetundae*). By 123 BC, the acquittal of three senators accused of that crime had been followed by public indignation. It even triggered the changes carried out in the permanent tribunals by Caius Gracchus, especially the monopoly of the lists of

<sup>61</sup> In 78 BC, Cn. Cornelius Dolabella (praetor 81 BC) was condemned *de repetundis*. The *litis aestimatio* mounted to three million sesterces. In 77 BC, Q. Calidius (praetor 79 BC) was condemned *de repetundis*; after the trial, there were suspicions that the juries had been bribed. In 72 BC, P. Septimius Scaevola, senator, was condemned *de repetundis*. In the *litis aestimatio*, the amount estimated as damages was high, since he was supposed to have accepted bribes in the *iudicium Iunianum*. Finally, P. Gabinius was condemned *de repetundis* between 76 and 70 BC. See respectively, Alexander 1990: n. 135, 139, 172, 174.

<sup>62</sup> Cic. Verr. 1.4.

<sup>63</sup> Cic. Verr. 1.2: 'Homo vita atque factis omnium iam opinione damnatus . . . Huic ego causae, iudices, cum summa voluntate et expectatione populi Romani, actor accessi'.

<sup>64</sup> Cic. Verr. 1.15. <sup>65</sup> Cic. Verr. 1.41.

judges by the *equites*, in a law passed by the people.<sup>66</sup> In another key passage, Cicero evoked Pompey's first speech as consul-elect when he announced his future government policies, for which he was fervently applauded by the people. According to the orator, these lines included the control of plunder and exploitation of the provinces, and the reform of the tribunals.<sup>67</sup> The people's favour for these measures reinforced the idea of popular hostility towards extortion.<sup>68</sup>

The presence of witnesses and their public declarations during the trial against Verres could also increase people's feelings against the accused. Cicero not only presented himself as an accuser, but as a defender and champion not only of the Sicilians but also of the Roman people.<sup>69</sup> Following this line of reasoning, he accepted the burden that they had imposed on him: the total destruction of *improbitas*, of all integrity. Through the relationship between *repetundae* and the Roman people, Cicero used public opinion against corruption and tried to impose the idea that corruption was everybody's concern, not only that of the foreigners. Thus, even Roman citizens became accusers.

The *exordium* included the main points of the speech, which have already been discussed. Cicero began by reminding the judges that the composition of the tribunal would change if they acquitted a man as rich as Verres.<sup>70</sup> In the first place, Cicero tried to persuade them that public opinion was concerned about the objectivity of their decisions and their tendency to accept bribes. These accusations became more vicious later on: the orator declared that no *eques* had been convicted of corruption while that order composed the juries.<sup>71</sup> Nevertheless, it was believed that senatorial judges accepted bribes more readily, which had astonished the Roman people. Cicero pressed the juries repeatedly to make them feel that, in condemning Verres, they were restoring the prestige of senatorial tribunals.

The message was clear and threatening: if citizens perceived that senators acquitted their peers because of their wealth, they would vote for the cessation of senatorial juries. Cicero again took up a speech of Quintus Lutatius Catulus (consul 78 BC), who had maintained that citizens missed the power of the tribunes of the plebs due to bad management of the tribunals by the senators, especially for their lack of attention to public opinion.<sup>72</sup> Thus, Cicero manipulated the judges' fears: rumours spoke of an eventual return of the *equites* to the permanent tribunals. That reform

<sup>66</sup> App. BC. 1.22.

<sup>67</sup> Cic. Verr. 1.45.

<sup>68</sup> On this subject, see Rosillo-López 2016.

<sup>69</sup> Cic. Verr. 1.45.

<sup>70</sup> Cic. Verr. 1.1.

<sup>71</sup> Cic. Verr. 1.37–41.

<sup>72</sup> Cic. Verr. 1.44.

was a political hot potato, and even Pompey had made reference to it in his speech as consul-elect.<sup>73</sup> It was finally carried out through the *lex Aurelia iudiciaria* in the very year of Verres' condemnation, establishing mixed tribunals, composed of senators, *equites*, and tribunes of the treasury.<sup>74</sup> The new composition lasted until 46 BC, when Caesar eliminated the tribunes of the treasury from the permanent tribunals.<sup>75</sup> Quintilian's advice about threats to the judges, mentioned beforehand, stemmed from the *Verrines*.

Likewise, Cicero did not forget the senators, whose opinion could influence the final decision deeply. He tried to demonstrate that Verres despised not only the courts of justice but also the senatorial elite.<sup>76</sup> According to the orator, the accused thought he could corrupt the senators with money.<sup>77</sup> This point was mentioned in the *propositio*, but it was used again in the speech, with one exception, when Cicero stressed that the senatorial order was oppressed by the *improbitas* and *audacia* of people like Verres.<sup>78</sup> In fact, in a way he tried to compensate for the serious accusations delivered throughout the whole speech against senatorial judges. He himself belonged to that order and despite his friendship with the *equites*, he could not afford to alienate senatorial support. His strategy was based on showing that the disrespect and disdain towards the latter came from black sheep such as Verres. Their elimination through condemnation would restore the reputation of the group. The survival of all must be linked to the sacrifice of one.

Cicero repeated the main points of his strategy at the end of the first speech, hammering them home once again:

This is a trial in which you will be deciding about the defendant, the Roman people about you; – by the example of what happens to this man it will be determined whether, when senators are the judges, a very guilty and very rich man can be condemned. Moreover, he is a criminal of such a sort that there is absolutely nothing whatever in him except the greatest crimes, and excessive riches; so that if he be acquitted, no other opinion can be formed of the matter except that which is the most discreditable possible.<sup>79</sup>

<sup>73</sup> Cic. Verr. 1.45; Sal. Hist. 4.44.

<sup>74</sup> Cic. Verr. 2.71; 2.174; 5.69; 5.177; Phil. 1.8.20; Cluent. 130; Att. 1.16.3; Tac. Ann. 11.22; Vell. Pat. 2.31.3; Liv. Epit. 9. About the tribunes of the treasury, see Nicolet 1966: 597. Griffin 1973: 109 emphasises that the term *iudiciaria* is vague, and that it referred to a general judicial law. On these laws, see p. 104, n.22.

<sup>75</sup> Suet. DI. 41; D.C. 43.25. <sup>76</sup> Cic. Verr. 1.8. <sup>77</sup> Cic. Verr. 1.9. <sup>78</sup> Cic. Verr. 1.36.

<sup>79</sup> Cic. Verr. 1.47: 'Hoc est iudicium in quo vos de reo, populus Romanus de vobis iudicabit; in hoc homine statuatur, possitne senatoribus iudicantibus homo nocentissimus pecuniosissimusque damnari. deinde est eius modi reus in quo homine nihil sit praeter summa peccata maximamque pecuniam, ut, si liberatus sit, nulla alia suspicio nisi ea quae turpissima est residere possit'.

He had carried out his plan: he had persuaded the citizens that Verres would be acquitted, thanks to his wealth; he had convinced the judges that public opinion desired the condemnation of Verres, who had to be sacrificed to save the credibility of the trials and the senatorial judges; finally, he had induced senators to believe that Verres despised them and their justice.

Nevertheless, Cicero's success was not only based on this clever strategy but also on another important pillar: there was pre-existing public hostility towards Verres. What degree of information did the citizens have about this case? The knowledge of Roman citizens about everyday politics should not be underestimated. Before the first speech, Cicero had used the *divinatio* to expose Verres' crimes summarily, offering the Roman people an outline of the worst crimes of the accused.<sup>80</sup> Was there a previous clear public opinion against Verres? Or was Cicero channelling public hostility against senatorial tribunals through the body of the *propraetor* of Sicily? The *divinatio* featured extremely harsh words against senators as judges, in which public hostility towards them was mentioned.<sup>81</sup> Probably exaggerating, he mentioned the 'daily complaints of the Roman people'.<sup>82</sup>

The extraordinary concentration of calls upon public opinion in the speech is explained by the fact that Cicero did not have much time. He had to finish the first part of the process before the end of the year; otherwise, he would have to confront the new praetor, who was favourable to Verres. Facing that situation, Cicero had to compress all the arguments into only one brief speech, since he wanted to make it short so as to let the witnesses speak. In a limited amount of time, he had to try to reach the different groups of public opinion that could enable him to win the case. For these reasons, the first speech against Verres constituted an exceptional case of the use of public opinion in a judicial discourse.

Cicero's strategy worked because he managed to use public opinion for his own ends. According to Quintilian, public opinion played an important role in the process against Verres. It is also possible that opinion was not in reality so hostile against Verres, and Cicero modelled it through his speech, as one would a vase of clay. In both cases, the existence and importance of addressing, giving shape to, and taking into consideration public opinion could not be underestimated. Not even Cicero did so.

<sup>80</sup> Cic. Div. Caec. 6–77; II; 19; 30–32.      <sup>81</sup> Cic. Div. Caec. 8–9.

<sup>82</sup> Cic. Div. Caec. 9: 'in populi Romani cotidiana querimonia'.



7.3.2 *Pro Cluentio*

Other cases could entail greater difficulties, especially when the orator had to deal with a very hostile public opinion, as was the case for Cicero in the *Pro Cluentio*. The trial against A. Cluentius Habitus was a special case in Cicero's judicial career.<sup>83</sup> The people involved in the trial did not belong to the political or economic aristocracy of the city, since they were members of the Italian elite. Even though Cicero's speech took place in 66 BC, the matter went back to 74 BC, when Cluentius, heir to an important family from Larinum, accused his stepfather Oppianicus of an attempted poisoning. The latter was condemned in a trial before the permanent tribunal *de sicariis et veneficis*. Having gone into exile, he died mysteriously in 72 BC. The jury's verdict was not forgotten quickly in Rome: rumours about bribes having been given to judges and even to the president of the tribunal were channelled by a tribune of the plebs.<sup>84</sup> Public opinion was so inflamed that the Senate felt compelled to hold an inquiry about the circumstances of Oppianicus' condemnation. A considerable part of the jury, including the president, was found guilty. In 66 BC, Oppianicus' son accused Cluentius of poisoning the latter's father.

Public opinion, as we shall see, blew strongly against Cluentius, since the citizens, and even the judges, were convinced that the accused had paid the juries of 74 BC to get his stepfather's condemnation. Nevertheless, Cicero won the case brilliantly; according to Quintilian, he boasted of having thrown dust in the eyes of the jury.<sup>85</sup> Later orators and writers acknowledged that the *Pro Cluentio* was probably one of the best, cleverest, and most skilled of Cicero's speeches.<sup>86</sup> This opinion is not only based on the brilliant presentation of the persons involved, including the demonisation of Sassia, Cluentius' mother, or his exposition of the facts. Cicero fought against strong public opinion against Cluentius and achieved, at the very least, the changing of the minds of the members of the jury.

The contents of the *exordium* confirm this hypothesis.<sup>87</sup> Cicero addressed the audience and the judges, admitted that public opinion had seriously prejudged his defendant, and begged them to have an open attitude towards the content of his speech. He pointed to the fact that the case had been much discussed.<sup>88</sup> In cases of a jury with preconceived opinions, Quintilian advised the threatening of the judges either with the loss of their status as members of

<sup>83</sup> On this case, cf. Stroth 1975: 194–227 and Alexander 2002: 173–188. <sup>84</sup> Cic. Cluent. 77.

<sup>85</sup> Quint. 2.17.1; Rufinianus, Rhet. Lat. Min. (Halm) p. 42; Humbert 1938.

<sup>86</sup> Plin. Ep. 1.205; Jer. Ep. 50.2; Sid. Apol. Ep. 10.3. <sup>87</sup> Cic. Cluent. 1–8.

<sup>88</sup> Cic. Cluent. 8. See Cluent. 6–7.

the jury or, in desperate cases, with an accusation of bribery, which had been Cicero's strategy in the trial against Verres.<sup>89</sup> In the case of Cluentius, Cicero could not accuse of corruption a jury that had to take into account whether their predecessors were guilty of that same crime. He stated that public condemnation had been *tacita*, although we are well informed throughout the speech that the condemnation of public opinion was clear and could not be qualified as silent in any way.<sup>90</sup> The judges had not condemned Cluentius yet, but public opinion had. Finally, in this case, Cicero also discredited public opinion, so that the judges would not be swept along by it: 'Let it influence the opinions and conversation of ignorant men, but let it be rejected by the dispositions of the wise; let it make sudden and violent attacks, but when time for examination is given, and when the facts are ascertained, let it die away.'<sup>91</sup> The judges, who were *prudentes* (and Cicero toyed with the closeness to the title *iuris prudentes* given to the experts in law), should not take into account the *invidia* that typified the *imperiti* people.<sup>92</sup>

Once the *exordium* was finished, Cicero launched into the *narratio* with a description of the wicked and unnatural mother of Cluentius, Sassia, and her cruel husband, Oppianicus.<sup>93</sup> Nevertheless, he soon came back to the central point to take apart the *invidia*, the hostility of the members of the jury and of the audience: Cluentius had not bribed the judges of the previous trial.<sup>94</sup> Even in a *tour de force*, faced with the impossibility of refuting the well-demonstrated corruption of the jury, Cicero accused Oppianicus, the condemned man, of having bribed them himself.<sup>95</sup> Using a cunning argument, Cicero stated that Cluentius did not have any reason to buy the tribunal, since his victory was evident to everybody, taking into account the previous condemnations of Scamander and Fabricius. Scamander was a freedman of the latter who, in his turn, was a close friend of Oppianicus; Fabricius was accused, and acquitted, of trying to poison Cluentius.<sup>96</sup> Trickily, Cicero explained that this exculpation was reached only by

<sup>89</sup> Cic. Cluent. 1.21.    <sup>90</sup> Cic. Cluent. 7. See Cluent. 1; 3; 5–8.

<sup>91</sup> Cic. Cluent. 5: 'Dominetur in contionibus, iaceat in iudiciis; valeat in opinionibus ac sermonibus imperitorum, ab ingeniis prudentium repudietur; vehementes habeat repentinos impetus, spatio interposito et causa cognita consenesca'.

<sup>92</sup> On *invidia*, see Stiewe 1959.

<sup>93</sup> Cic. Cluent. 11–18. The description of Sassia was completed in the last part of the speech, when Cicero denied that Cluentius had used poison (Cic. Cluent. 176–194): Sassia had tried by every means to blame her son Cluentius. Cicero even accused her of making night-time sacrifices, which were forbidden to women (see Cic. Leg. 2.21). In the *peroratio* (Cic. Cluent. 199), Cicero stated that Sassia was neither a human being (*homo*) nor a woman (*femina*), not even a mother (*mater*).

<sup>94</sup> Cic. Cluent. 59–142.

<sup>95</sup> Cic. Cluent. 63–64 (corruption of the jury); 59–81 (Oppianicus bribed them).

<sup>96</sup> Cic. Cluent. 49–58.

a vote, which, in his opinion, was almost a condemnation for Fabricius, for his freedman, and even for Oppianicus.<sup>97</sup> Cicero presented a very restrictive dilemma: 'One thing is quite certain. No-one will be so unjust to Cluentius, as not to grant to me, if it be proved that that tribunal was bribed, that it was bribed either by [Cluentius] Habitus or by Oppianicus. If I prove that it was not bribed by Habitus, I prove that it was by Oppianicus, – I clear Habitus.'<sup>98</sup> This dilemma was false since, according to Humbert, there had been a double attempt to bribe the tribunal; Cicero mentioned that Cluentius managed to surpass the bribes offered by Oppianicus.<sup>99</sup> In this case, the proofs could point to both the accused and the accuser: Cicero made the jury believe that the blame had to point in only one direction, not in both.

Cicero even mocked public opinion, although not directly, to avoid incurring its wrath, through the figure of a tribune of the plebs. Lucius Quinctius, Oppianicus' lawyer, was described as a demagogue dependent on rumours and what was said in *contiones*.<sup>100</sup> Remembering the unpopularity of senatorial tribunals, something that he used cleverly in the *Verrines*, Cicero stated that Quinctius thought that he could win, thanks to the unpopularity of the senators.<sup>101</sup> Some months before, there had been another bribery scandal in Rome: the great orator Hortensius, who defended his kinsman Terentius Varro on charges of extortion, made the juries vote in small tablets of different colours, to check that the bribed judges voted in the desired way.<sup>102</sup> The feeling was fiercely negative and hostile towards senatorial judges.<sup>103</sup> Thus the tribune of the plebs called two *contiones*, in which he deployed the following arguments: 'That the judges had taken money to condemn an innocent prisoner: he kept saying that the fortunes of all men were at stake; that there were no courts of justice; that no one could be safe who had

<sup>97</sup> Cic. Cluent. 67.

<sup>98</sup> Cic. Cluent. 64: 'Unum quidem certe nemo erit tam inimicus Cluentio qui mihi non concedat, si constet corruptum illud esse iudicium, aut ab Habito aut ab Oppianico esse corruptum; si doceo non ab Habito, vinco ab Oppianico; si ostendo ab Oppianico, purgo Habitus'.

<sup>99</sup> Cic. Div. Caec. 28; Verr. 1.39; Pseudo-Asconio, p. 219Stangl. Humbert 1938: 280–281; 284, 286, stated that this sentence came from the lost correspondence between Cicero and Brutus about Neoatticism; the speech *Pro Cluentio* was presented as a model for a complete eloquence aimed to please and move.

<sup>100</sup> Cic. Cluent. 77. See a more virulent criticism of Quinctius in Cic. Cluent. 110–112. Quinctius was one of the few tribunes of the 70s who continued his career, arriving to the praetorship in 68–67 BC; see Marshall and Beness 1987: 371–373.

<sup>101</sup> Cic. Cluent. 77.

<sup>102</sup> Cic. Cluent. 130; Verr. 1.40; Div. Caec. 24; Verr. 1.17; 1.35; 1.40; 2Verr. 2.79; 5.173; Pseud-Asc. p. 193, 218Stangl; Schol. Gronov. pp. 336; 339; 349Stangl.

<sup>103</sup> Cic. Cluent. 49 (*invidia*).

a wealthy enemy.<sup>104</sup> According to Cicero, people who were not aware of Oppianicus' case and his wickedness believed it, and clamoured for an inquiry.<sup>105</sup> First of all, Cicero was cleverly manipulating public opinion. He restricted it to *homines totius ignari negoti*, 'people absolutely ignorant of the matter', excluding the audience and the jury, who in theory were aware of the case. Secondly, despite the disqualifying tone that Cicero used against Quinctius, the arguments of the latter were exactly the same as those employed by the former against Verres: the defenceless situation of a poor man against the tribunal, the latter's bad reputation, and its tendency to accept bribes.

The enquiry implied the condemnation of several judges and the president of the tribunal (*iudex quaestionis*); in order to discredit this decision, Cicero declared that the latter's conviction should be attributed only to the clamour of the Forum.<sup>106</sup> Public opinion required his punishment. In fact, Cicero mentioned that the *gradus Aurelii* (or *tribunal Aurelium*), a construction that formed the praetor *urbanus*' tribunal, burst with people during the trial against the president.<sup>107</sup> Cicero managed to diminish its importance by emphasising that it was: 'An inroad of sedition, an instance of the violence of the multitude, an outrage on the part of a tribune'.<sup>108</sup> These damaging remarks had already appeared at the beginning of the *exordium*, when he asserted that the accusation had been based only on arousing *invidia* against Cluentius, and that the situation was: 'Almost entirely unconnected with the case, and which is better adapted to *contiones* in a state of seditious excitement, than to tranquil and orderly courts of justice'.<sup>109</sup> Cicero manipulated the chronology of the trials, making them stem from the accusations launched by Quinctius in the *contiones*, giving the impression that public opinion became progressively less inflamed about that issue.<sup>110</sup>

Public opinion was hostile towards Cluentius for a long time. It may not have been fierce from 74 to 66 BC; nevertheless, eight years later, the prosecutors could manage to use that public hatred against the accused. Furthermore, Cicero remarked that the audience and the jury had prejudged

<sup>104</sup> Cic. Cluent. 77: 'Accepisse pecuniam iudices ut innocentem reum condemnarent, tribunus plebis clamitabat; agi fortunas omnium dicebat; nulla esse iudicia; qui pecuniosum inimicum haberet, incolumem esse neminem posse'.

<sup>105</sup> Cic. Cluent. 77. <sup>106</sup> Cic. Cluent. 79; 90.

<sup>107</sup> Cic. Cluent. 93. On the *gradus Aurelii*, see Coarelli 1992: 190–199.

<sup>108</sup> Cic. Cluent. 103: 'ut incursionem potius seditionis, vim multitudinis, impetum tribunicium'.

<sup>109</sup> Cic. Cluent. 2: 'Altera autem, quae procul ab iudicio remota est, quae contionibus seditiose concitatis accommodatior est quam tranquillis moderatisque iudiciis'.

<sup>110</sup> Notari 2012: 57–58.

his client, when he had every interest in seizing any small sign of goodwill towards Cluentius to win the case. For this reason, his statements about the hostility of public opinion seemed more reliable, since he had no interest in exaggerating them. Nevertheless, the orator did try to plead that public opinion had run out of steam since then.<sup>111</sup> Cicero used two main lines in the speech: the corruption of the jury in 74 BC and the accusation of the poisoning of Oppianicus in 72 BC.<sup>112</sup> The uneven treatment of both arguments could be attributed to the fact that Cicero perceived that the accusation of bribery would have more weight before the new jury.<sup>113</sup> This remark would reinforce the hypothesis mentioned before, on the hostility of public opinion in this matter; Cicero would devote more time to it because it was necessary to convince the people of Cluentius' innocence. Finally, the last words of the speech reintroduce this theme, and ask the judges not to be convinced by preconceived ideas or by public hostility towards Cluentius: 'So that all men may see that *invidia* may be excited in popular assemblies, but that in courts of justice there is room only for truth'.<sup>114</sup>

Rufinianus, an orator at the end of the fourth century and the beginning of the fifth century AD, stated that Cicero had the judges believe that they had to pronounce on two accusations, and not one.<sup>115</sup> It is true that Cluentius could not be accused of judicial corruption, since the law did not envisage that accusation against a member of the *ordo equester*. Poisoning was therefore the only possible charge. Nevertheless, Cicero's statement could also be understood as a reference not to the legal aspects of the case, but to the verdict of the public. He managed to change public opinion completely, from being hostile to Cluentius to returning a verdict of not guilty.

### 7.3.3 *Pro Rabirio Postumo*

The speech represents another interesting case study, this time on how to face public opinion of very long duration.<sup>116</sup> In 55 BC, Rabirius Postumus served as a middleman for the king of Egypt, Ptolemy Auletes, who resided in Rome while waiting to be reinstated to his throne, from which a revolt had thrown him in 58 BC.<sup>117</sup> The sovereign managed to get substantial

<sup>111</sup> Cic. Cluent. 80. <sup>112</sup> Cic. Cluent. 9–160 (corruption); 164–194 (poisoning).

<sup>113</sup> Aspa Cereza 1995: 159.

<sup>114</sup> Cic. Cluent. 202: 'ut omnes intellegant in contionibus esse invidiae locum, in iudiciis veritati'.

<sup>115</sup> Rufinianus, Rhet. Lat. Min. (Halm) p. 42.

<sup>116</sup> On the case, see Alexander 2002: 110–118. On the speech, see Klodt 1992; Siani-Davies 2000.

<sup>117</sup> See M. Siani-Davies 1997: 306–340. Rabirius Postumus was one of the 'affairistes', as named by Andreau 1997, who lent great sums of money to foreign cities and kings.

loans from Roman creditors, who hoped to recover their investment after the king's return to Egypt.<sup>118</sup> The triumvirs probably counted among them: the king lived in Pompey's villa, and Caesar convinced Cicero to defend Rabirius Postumus.<sup>119</sup> Furthermore, when Caesar arrived in Alexandria in 48 BC, he submitted to the heirs of Ptolemy Auletes a demand for reimbursement of a debt of 17.5 million denarii. Caesar stated that the payment would be fulfilled with 10 million denarii as military expenses.<sup>120</sup> This sum may have been part of the disbursements made to the king in Rome.<sup>121</sup> It is also possible that Caesar may have bought other creditors' loans.

The king was finally restored, thanks to Roman military intervention.<sup>122</sup> Rabirius Postumus became the king's finance minister (*dioiketes*), in order to make sure that the loans would be returned.<sup>123</sup> He even established a new tax, which led to the devaluation of Egyptian coinage. Rabirius' venture was not successful, and he was put into prison following the orders of the king. He later managed to escape to Rome. Between 56 and 55 BC, Gabinius, who had led the military expedition, was accused of having acted without the consent of the Senate. He was acquitted of the first accusation, *maiestas*. He was not so lucky in the second trial, and was considered guilty of extortion, *repetundae*, despite having been defended by Cicero, who surrendered to Pompey's pressures.<sup>124</sup> Gabinius departed for exile. After the second trial, his accusers put forward the judicial procedure *quo ea pecunia pervenerit* in order to accuse Rabirius in the tribunal *de repetundis*. This procedure, introduced in the final years of the second century BC (104–103 or 101–100) by the *lex Servilia Glaucia repetundarum*, was devised to recover the extorted money that had passed to third persons.<sup>125</sup> In fact, Cicero's speech *Pro Rabirio Postumo* constituted the most important source about this legal disposition; Cicero's defence was based on pleading that the disposition *quo ea pecunia pervenerit* could not be applied to *equites*, since it was only addressed to the senators, as the *lex de repetundis*. Despite Cicero's arguments, the legal point did not seem to be

<sup>118</sup> Cic. Rab. Post. 6; Fam. 7.17.1; D.C. 39.14.3–4; Strabo 17.1.11.

<sup>119</sup> Cic. Rab. Post. 4; Suet. DI. 54.1; D.C. 39.12.1; see Klodt 1992: 99; Siani-Davies 1997: 316.

<sup>120</sup> Plut. Caes. 48. 8. <sup>121</sup> See Siani-Davies 1997: 336.

<sup>122</sup> See Lampela 1998 on Rome's policy on Egypt in the previous decades, centered in averting a military intervention, in order not to bestow too much power on a single Roman general.

<sup>123</sup> Papyrus SB. 22.15203 probably attests the presence of Rabirius Postumus in the reign and the measures he took while in charge; see Balconi 1993: 3–20.

<sup>124</sup> Cic. Rab. Post. 32–33.

<sup>125</sup> Cic. Rab. Post. 8–9. See Rosillo-López 2010: 132–133; Ferrary 1979: 117–118 on the link between the procedure and the *lex Servilia Glaucia repetundarum*.

clear. Even though the law did not specify that *equites* could be accused of it, the praetor of the *quaestio repetundarum* accepted the case.

Cicero had to take public opinion into account. He did not state at any time that it was clearly hostile towards Rabirius Postumus, something that he did, on the contrary, in the *Pro Cluentio*. Nevertheless, one of the key points in the speech was Cicero's attempt to ride out public opinion, since he could not refute it.

When Rabirius Postumus returned to Italy from Egypt, he was accompanied by a fleet. His ships reached port in Puteoli, laden with merchandise. Cicero argued that Rabirius Postumus had returned utterly impoverished, and that only Caesar's help had saved him from bankruptcy.<sup>126</sup> Nevertheless, he could not deny that Rabirius had not come back alone. Cicero mentioned that the ships were carrying low-value goods, such as paper, linen, and glass. All of them were Egyptian products; Siani-Davies even points out that they could be part of royal monopolies.<sup>127</sup> They may hint that Rabirius had started an import business with Rome. The most delicate matter was centred around another ship. Cicero could not deny it: rumour had it that a small vessel had docked, carrying unknown goods, perhaps bringing the huge fortune that people believed Rabirius had amassed in Egypt. Even Cicero had to admit that those rumours, probably started by the crew or the dock workers, and the comments and gossip about Rabirius Postumus' money had circulated intensely.

The orator tried to reduce the importance of this fact: thus, he pointed out that the rumours were only heard during the summer. It is noticeable that it was the only defence presented against the accusations. Cicero did not use the techniques recommended by the handbooks of rhetoric: that is, to deny the rumour and hold that everything was a lie. He only mentioned 'the name of Postumus, envied by enemies'.<sup>128</sup> *Invisus* belongs to the same field as *invidia*, a substantive that Cicero used frequently when dealing with public hostility (cf. *supra*). The rumour probably held that the small ship transported the big fortune that Rabirius had amassed in Egypt; a part of it would go to the 'triumvirs', who publicly supported both his and Gabinius' innocence.<sup>129</sup> Faced with public opinion, Cicero eluded this subject as soon as possible; for him, the brevity of the rumour hinted at its

<sup>126</sup> Cic. Rab. Post. 41–44. <sup>127</sup> Siani-Davies 2000: 34.

<sup>128</sup> Cic. Rab. Post. 40: 'subinvisum apud malevolos Postumi nomen'.

<sup>129</sup> Cic. Rab. Post. 41–44: praise of Caesar to help his old friend Rabirius Postumus. See Rab. Post. 32–33: intervention of Pompey, so Cicero ended up defending both Rabirius Postumus and Gabinius.



falsehood.<sup>130</sup> Nevertheless, instead of mentioning a shorter amount of time (some days, for instance, or some weeks), he stated that it lasted for a summer (*aestas*). It is possible that its duration was even longer.

Another resource that Cicero used was an appeal to the empathy of the public, something that featured frequently in his handbooks of rhetoric. It already began in the *exordium*, in which he presented with great *pathos* Rabirius Postumus' life. He stated that the accused had been deceived by the king, and that he was bankrupt. A condemnation would only sink him deeper.<sup>131</sup>

In this speech, Cicero hid public opinion and minimised it before the members of the jury. The external circumstances of the case imply that its use was not as brilliant as in other speeches. Rumours about Rabirius Postumus' wealth seemed to have been strong and to have circulated during a long period of time, at least more than a few months. It was an issue that grasped the attention of the Roman public sphere. Cicero based his case on resorting to the *equites* present in the tribunal: he tried to convince them that their *ordo* should not be included in the laws against provincial corruption.<sup>132</sup> In fact, it was a tactic very similar to the one he used in the first speech of the *Verrines*. Cicero managed to worry the *equites*, declaring that their inclusion in the law would entail that any rumour or unpopularity would lead to an accusation against them.<sup>133</sup> Thus, he achieved an analogy with Rabirius' case, in which the rumour of his Egyptian wealth would have brought his accusation before the tribunal *de repetundis*. The outcome of the trial is uncertain, although he may have been acquitted, in light of his later career.<sup>134</sup>

In conclusion, the importance of adapting oneself to public opinion was well acknowledged by the Roman politicians. Public opinion was a very difficult tool to use. By its nature, it was contradictory, changeable and sometimes, deceitful. Its user had to be very aware of these elements in order to avoid pitfalls that could damage his political career. The goal could be to control that same opinion, or even to try to bend it, but it was important that public opinion did not perceive that it had been left aside: 'Because it is necessary to adapt one's discourse to conform not only with the truth but also with the opinions of one's hearers.'<sup>135</sup> Shifts and sudden

<sup>130</sup> Cic. Rab. Post. 40.    <sup>131</sup> Cic. Rab. Post. 1–2.    <sup>132</sup> Cic. Rab. Post. 13–19.

<sup>133</sup> Cic. Rab. Post. 18.

<sup>134</sup> See Alexander 1990: n. 305; RE 1A, 27–28 (Von der Mühl). He was proconsul in Cilicia in 47 BC, but it could have been due to Caesar's influence.

<sup>135</sup> Cic. Part. Orat. 90: 'Et quoniam non ad veritatem solum sed etiam ad opinionones eorum qui audiunt accommodanda est oratio'.



movements of opinion were a feature of Roman courts. During a complicated case in 51 BC, a new charge appeared unexpectedly and completely transformed both public opinion and the judges' views on the case: 'Much talk (*magna fama*) at once arose about the case, and strong remarks began to be made about a conviction.'<sup>136</sup> Interestingly, only when opinion had mobilised did the accuser decide to launch his own charge, probably convinced that, at that moment, his chances of victory had increased.

The analysis of its practice in courts of justice and in *contiones* has shown that public opinion could not be easily manipulated or left aside. Cicero, probably the most skilled orator of his generation, fought hard against public opinion, and won at least in one case, the *Pro Cluentio*, while the result of the *Pro Rabirio Postumo* is unknown. However, it was not an easy victory, and the former was already in antiquity considered one of his best speeches because of the difficult task of winning over such strong and long-lasting opinions. Some less able politicians fared worse. In other cases, public opinions were not as strong, and the task was easier. In any case, it was a component of Roman politics that always had to be considered.

<sup>136</sup> Cic. Fam. 8.8.2: 'Magno illico fama surrexit et de damnatione ferventer loqui est coeptum'.

*Conclusions***8.1 Public Opinion and the Public Sphere  
in the Late Roman Republic**

Public opinion, as the expression of individual and aggregated opinions, was an active element of Roman politics. The analysis of its functioning mechanisms has shown that it facilitated the proper and regular maintenance of the system, by channelling opinions bottom-up, top-down, and within the same group. It should not be considered as an anachronism, as Romans recognised it as part of their political life. Rousseau still equated public opinion with prejudice, opposed to the truths of morality. This view has been characterised as ‘a traditional, pre-democratic way’.<sup>1</sup> Roman politicians did not subscribe to this concept. When confronted with their political enemies, they could claim that their opponents’ opinions were nothing more than prejudice and false ideas, as part of common political discourse. Nevertheless, they recognised public opinion as a force to be taken into account when navigating political waters, and as a necessary aid to their own survival.

Jackob has suggested that the most important function of public opinion in Rome was that of the social control of individuals, rather than deliberation or reasoning.<sup>2</sup> This interpretation follows the Noelle-Neumann theory of public opinion as social control, understanding public opinion as a non-written but powerful law, which is not restricted to the elite. Public opinion was indeed a strong instrument of control over groups and individuals in Rome. Cicero had doubts as to which camp to choose at the beginning of the civil war; he felt the heavy pressure of the rest of the *boni* over him, to the point that he became obsessed with knowing everything that they said about him. After his participation in the war ended, and he attempted to ingratiate himself with the new

<sup>1</sup> Speier 1950: 378. <sup>2</sup> Jackob 2012: 179; see also Jackob 2005: 111–170.

regime, he told Atticus that his reason for justifying his choice was simple: he could not resist the pressure.<sup>3</sup>

However, this study has tried to show that, for Late Republican Rome, the two main conceptual models of public opinion (that of the public sphere by Habermas and the spiral of silence by Noelle-Neumann) are compatible.

Public opinion in Late Republican Rome was not only restricted to social control. People debated on the streets and the elite discussed political news in both formal and informal locations. In 102 BC, the Senate decided to build a temple to the Magna Mater after a priest, Bataces, announced that the goddess had prophesised a Roman victory. One tribune of the plebs, Aulus Pompeius, prevented the priest from speaking before the people and called him an impostor. Bataces gained recognition when the tribune died of fever only one week later. Plutarch added that everybody knew and talked about it.<sup>4</sup> We do not know which part of the population or the political spectrum was referred to with the term 'everybody'. What matters are the verbs: to know and to talk. These verbs attest to the existence of a public sphere, in which gossip and speculation took place about Aulus Pompeius' death and its possible link with the slight made against the goddess. Reluctantly Cicero admitted that the rumours about the contents of Rabirius Postumus' mysterious ship had circulated in Rome during the whole summer, before the trial had even begun. In Late Republican Rome, news, gossip and rumours circulated and were discussed; regardless of who transmitted them, they are the discernible testimony of the existence of a public sphere and of a public opinion.

Habermas described the public sphere as 'as a forum in which the private people come together to form a public, readied themselves to compel public authority to legitimate itself before public opinion'.<sup>5</sup> The German philosopher acknowledged the existence of a public sphere in other historical periods, including Ancient Greece.<sup>6</sup> In Republican Rome, opinions could be expressed freely in public, government could be criticised, and elite and citizens could act politically according to their own decisions and opinions. Rank was an important constraint, although it could be disregarded in certain cases. Through publicity, citizens could act as watchdogs to the government.<sup>7</sup> In a more recent work, Habermas has described the government as having the ultimate power of decision, but limited by the

<sup>3</sup> See pp. 93–95.    <sup>4</sup> Plut. Mar. 17. 5–6.    <sup>5</sup> Habermas 1989: 25–26.

<sup>6</sup> Habermas 1989: 3–4, 7. On the public sphere in Athens, see Gottesman 2014: 4–8.

<sup>7</sup> On the importance of publicity in the Roman Republic, see Millar 1998: 9ff; Morstein-Marx 2004: 8–11.

comments carried out by public opinion stemming from different sources.<sup>8</sup> This definition could be applied, with variations (especially on the degree of limitation of power), to the Late Roman Republic.

As stated in the introduction, social and political scientists have identified two components of political systems: formal and informal institutions. The former are the ones that are included in the constitutions of regimes, and the official institutions that are regulated by law. On the other side, informal institutions (or informal politics) consist of the elements that complement or disrupt the system, but are not legal aspects of it. In the case of the Roman Republic, public opinion could be considered one of these informal institutions, though not the only one.

The first condition for the proper and dynamic functioning of public opinion was the existence of a certain freedom of speech. Public opinion could, and does, exist in autocracies, with a much more limited scope. In Republican Rome, there was a difference between freedom of speech and freedom of speaking in public. While the former was not controlled, the political elite held a firm grasp on the latter, and thus controlled public official discourse. Only magistrates and those invited by them could speak at public assemblies or to the public. However, there was no actual repression of oral public opinion, since it could not be controlled unless physical restraint was used. Personal utterances in the theatre had not been repressed for a century. Ritual shouting with the intention of slander was covered by the law; oral abuse (*convicium, occentatio*), though, could not be interpreted as defamation of politicians. The repression of writings by the *lex Cornelia de iniuriis* is not certain, and there is no record of it having been applied during the Late Republic. Oral or written vicious or strong criticism by elite and plebs was part of the political game, and as such was accepted by politicians.

In practice, some censorship existed, such as self-censorship by prestigious and influential politicians, who could use their *auctoritas* to silence popular public opinion. Nevertheless, the most frequent tactic used by the elite was to dismiss contrary popular opinion as worthless, in order to hush it up and reduce its prominence.

Two components created and propagated public opinion and information: political literature and sociability, through which conversations were held and rumours and gossip circulated.

Public opinion could be negotiated and presented in the Senate or in the *contiones*, but it was also developed and transmitted in more informal

<sup>8</sup> Habermas 1998: 454–455.

settings and during socialising activities. Discussions in these spaces were necessary for the everyday functioning of Roman politics, which featured rumours, gossip, and elite or popular public opinions. Circulation of information and of public opinion was based, in Rome, on personal relationships, which fed on regular scheduled and non-scheduled contacts. Spaces of sociability varied according to the social class of the citizen. Informal exchanges of public opinion happened at dinners for the elite, in streets, and at markets, fountains, and probably taverns for the common people. Rumours were pieces of information whose veracity was not always questioned. Together with *sermo*, they entailed bottom-up control, and also strong peer control. Furthermore, these comments (gossip, utterances, cries, etc.) developed into a way of participating in politics, even outside the elite's sphere of control. This participation allowed the inclusion in politics of people who were not Roman citizens or who could not vote, such as foreigners or women, since public opinion, as an informal institution, did not differentiate between these categories.

The new category proposed here, that of 'political literature', regroups works that were written with the goal of circulating information and influencing public opinion. These writings were relevant to the political situation of the moment, and could feature both praise and criticism. They were distributed in a relatively wide circle, regardless of the identity of their author. Finally, they had a certain literary form and intention. The Roman elite composed them frequently. The rest of the citizens probably heard them out loud in some way or resorted to more simplified written messages, such as graffiti.

Some people were key to the circulation of public opinions. They are called vectors or brokers of news because they spent time in the Forum, such as the *subrostrani*, or because they circulated around the city, transmitting news, as barbers did. In a world in which mass media did not allow instant communication, these people were important for circulating public opinion, within the elite but also from the people to the elite. They were not the only channels of public opinion; although sociability between the elite and the plebs does not seem to have been habitual, they shared the same streets, and the Forum was not a closed venue. Some places were focal points, including the Forum, market, and barbershops.<sup>9</sup>

Public opinion must be always considered as multifaceted. Late Republican politics was composed of short-term alliances that gave rise to different groups of public opinion, of shifting composition. Only the spiral of silence

<sup>9</sup> On focal points, see Fox 1997: 606.

diminished this variety, because it made minorities self-conscious of their small size, and thus silenced them. Ideas as well as leaders were necessary to galvanise such groups.

Rhetoricians advised their students and readers on how to treat, bend, and use public opinion. Public opinion featured as an important element in the courts of justice; even though the audience did not vote, their support or criticism could influence the judges heavily. Orators should not only be aware of public opinion about the case, but also adapt and accommodate their discourse to meet these expectations. Rumours were very important; rhetoricians advised the strategy of demonstrating that these were false, and attributing them to the enemy. Depending on the side taken, rumours could constitute either vague talk or the verdict of public opinion. Despite the theoretically simple method of denying rumours and dealing with public opinion, in practice this was not so easy. Public opinion was a difficult tool to use. Cicero had to deal in several court cases with an intensely contrary public opinion (*Pro Cluentio*, *Pro Rabirio Postumo*), and he was not always successful, despite his well-honed rhetorical skills.

Public opinion in the Late Roman Republic could be conceived of as a complementary informal institution that enhanced the performance of written rules, by opening channels of communication within and between the different groups that constituted Roman politics. Roman public opinion, as part of informal politics, was perpetuated through sociability and socialisation. In fact, the Roman elite had an interest in ensuring that it was maintained, since it helped in avoiding the worst conflicts, and assisted them in a political system that was based on temporary allegiances. Without gossip, pamphlets, and discussions on the streets or at dinners, political participation would be restricted, and formal actors (magistrates) would not gain enough information to make choices that were supported by (a part of) the population, even though sometimes the final decision was in fact that it was safe to disregard the general climate of opinion. Channels that transmitted public opinion allowed policy-makers to clear up uncertainty, a constant dread for politicians. In a political world composed of multiple and rapidly changing alliances, with personal prestige as a tool for building a political image, gauging one's worth, one's status, and one's political support involved paying attention to public opinion. Fostering one's status and political power could also be achieved through the deployment and management of public opinion.

Furthermore, public opinion could be considered as an accommodating informal institution, which altered formal rules without violating them.

In many cases, these accommodating informal institutions may maintain stability through political confrontation, because they dilute the need for change.<sup>10</sup> In the case of Roman politics, public opinion enhanced stability by opening channels of communication that allowed for opinions at different levels (elite and people) to arrive with the policy-makers, avoiding further conflict, which could arise when demands could not be communicated and social action and reaction began. This did not exclude the use of public opinion in the sometimes vicious confrontations of the 50s.<sup>11</sup> However, for most of the time, public opinion enabled matters to be carried out more efficiently. The result was generally beneficial, although in some cases accommodating informal institutions may have precluded demands for formal political changes.<sup>12</sup>

The study of public opinion in the Late Roman Republic allows for the redefinition of both the role of the plebs in politics and the nature of the political system.

The concept of informal politics sets new lines of demarcation for the scope of the political participation of Roman citizens. The study of the diffusion of public opinion and the circulation of information has shown that attendance at the *contiones* was only one of the many ways in which all citizens could access information and act upon it and that voting was not the only way to participate in politics. Passing around a nickname, telling a joke, gossiping at a fountain, at the market or in the barbershop, or attending a dinner and engaging in political conversations were also means of political participation. Such action did not depend upon an official venue or event; it could be carried on at any hour of the day or night. It was not exclusive to the elite; they could not control it absolutely, in contrast to public discourse and public speaking. The circulation of public opinion was chaotic and uncontrollable at times, but it allowed for much more flexibility.

Taking this into account, the debate on the degree of political participation of the plebs should be considered and conceptualised differently. Nicolet, MacMullen, Mouritsen, and Jehne have attempted to answer this for formal politics: that is, by calculating how many citizens voted, or how many of them attended *contiones*.<sup>13</sup> Mouritsen has gauged voting times for assemblies, taking into account the physical characteristics of the Comitium and the Saepta Iulia; no more than 3,000 people could be

<sup>10</sup> Helmke and Levitsky 2004: 729.

<sup>11</sup> See Brunt 1966; Lintott 1968: 69–98, 175–203 on plebeian involvement, politics, and violence in the 50s.

<sup>12</sup> Helmke and Levitsky 2004: 730. <sup>13</sup> Nicolet 1988: 391–401; MacMullen 1980.

gathered in the Forum, for instance.<sup>14</sup> Jehne has measured the percentage of participation, taking into account the census figures of 70/69 BC, of 910,000 citizens: 'We have a maximum share of participants at the Campus Martius of perhaps 3.3 per cent of the whole Roman population, at the Forum of 1.1. per cent, at the Comitium of 0.4 per cent.'<sup>15</sup> Leaving aside architectural constraints, Mouritsen has argued that lower-class Romans could not attend assemblies and devote their time to politics because their economic situation was precarious, and, consequently, they had to work tirelessly to ensure their survival.<sup>16</sup> 'Political activity was therefore an economic sacrifice for the working population of Rome.'<sup>17</sup> Jehne has suggested that those who attended were mostly those who lived within walking distance of the Forum and that many *tabernarii*, for instance, worked there and were available on the spot.<sup>18</sup> However, he concludes, regardless of how many people attended the assembly, those who made an appearance were considered the incarnation of the *populus Romanus*.<sup>19</sup>

Informal politics, as shown by the analysis of public opinion, allows for a greater diversification in political participation, which was not restricted to official events, such as attending assemblies or voting in elections. Popular political participation should be reconsidered in terms of the expression of public opinion and the circulation of information, since it allowed the plebs to increase their potential participation in political matters. Economic concerns did not hinder or obstruct their involvement. The amount of time devoted to expressing and circulating public opinion could vary according to availability and interest. It could be carried out during work, during domestic chores, or during leisure time. It could be done while walking on the street, being shaved, or collecting water from a fountain. There were therefore no structural economic or social impediments or obstacles to participating in politics. The composition of the audience of the assemblies should not be considered the only measuring rod for deciding how involved people were in politics.

Scholars have debated, and are still debating, the question of who dominated and controlled Roman politics. This analysis of public opinion proposes that the interaction between the elite and the people was in fact important for the workings of everyday politics. As noted before, within the world of informal politics, a model of confrontation does not hold; nor

<sup>14</sup> Mouritsen 2001: 18–37. <sup>15</sup> Jehne 2006b: 224; calculations based on Mouritsen 2001: 32.

<sup>16</sup> Mouritsen 2001: 36–37. On the economic struggles of the plebs, see Yavetz 1958; Brunt 1966; Kühnert 1991; Purcell 1994: 644–687. See Morley 2006 for the city of Rome; Osborne 2006 for a conceptual definition of Roman poverty.

<sup>17</sup> Mouritsen 2001: 36. <sup>18</sup> Jehne 2006b: 230–231. <sup>19</sup> Jehne 2006b: 234.



does the idea of immutable elite domination.<sup>20</sup> Confrontation occurred when demands were ignored or not fulfilled, or when the message did not reach the elite. Neither was it a perpetual collaboration, but rather an interplay, a long dance, to similar but not always equal tunes, by two people who collaborated to make it work even though their interests were not always the same.

Needless to say, this system was not perfect. Did Roman politicians take into account public opinion, either from their peers or from the rest of the citizens? The variables are too many and the cases too diverse to give a definitive or unequivocal answer. Were channels of communication between the political elite and the rest of the citizens sufficient to carry demands or to express their support of elite initiatives? Direct communication between the elite and other classes was not exceptional. Even though their sociability took place in different venues, they mingled in the streets and the Forum. The Forum was never silent.<sup>21</sup> Channels existed for the transmission of news and opinions bottom-up, top-down, and between members of the elite. Whether politicians took those opinions into account is another matter. Analysis of the mechanisms of public opinion attests to instances in which they did, and others in which they did not. Taking the sources into account, there is no correlation between paying attention to public opinion and political success, because public opinion was not the only variable involved.

The expression of public opinion could take many forms, not all of which were collected extensively by the sources: literary expressions were mentioned, and even oral means, though these were fleeting in nature. However, the reality was probably more complex than the picture that we can glimpse through the sources. For instance, if it were not for four small archaeological artefacts, we would have missed an alternative method of communicating public opinion, one that was especially linked to less-affluent citizens: that of small, cheap terracotta portraits of Roman politicians.

Busts in terracotta were relatively common for the Principate,<sup>22</sup> but a rarity for the Late Republic. Interestingly, the four preserved belong to one of the most popular politicians: Pompey. Even though he was not a steadfast *popularis*, Pompey was held in high regard by the plebs.

Only two of the busts are conserved nowadays: one in *Landesmuseum Württemberg* in Stuttgart and the second in the Ennetwies collection in

<sup>20</sup> Toner 2009: 163 has pointed out the sliding character of the scale of resistance, from open rebellion to passive everyday opposition.

<sup>21</sup> Asc. Mil. 41; see Prop. 4.1.35 on the noises of the Forum.

<sup>22</sup> Cf. Dahmen 2001; Bruun 2003: 78–79.

Zurich. The other two have vanished: the first was in the hands of an antique dealer in Berlin until the Second World War, when it probably disappeared during the bombing of the city; the second belonged to the collection of archaeologist Ludwig Curtius in Rome, from which it was stolen.<sup>23</sup> The four busts share the same characteristics: they are of small size (around 12 centimetres high) and are roughly manufactured from a mould.

Pompey is identified by his basic features, mainly his tuft, modelled in the style of Alexander the Great's *anastole*. Pompey, who wanted to be identified with the Macedonian king, and not only through his nickname, adopted this hairstyle in all his representations, including those of highest quality. The differences between the copies are limited to details, such as the position of the hairline in relation to the neck. It seems that the four busts were elaborated from a mould, and not freely modelled.<sup>24</sup> They represent Pompey in all his power as general.<sup>25</sup> Jucker points out that the four busts show a younger Pompey than that of the Copenhagen portrait, one of his most well-known representations.<sup>26</sup> Following stylistic criteria, she suggests a date of the second quarter of the first century BC. Walker has dated the Stuttgart busts around the 60s and 50s.<sup>27</sup>

The most important feature of the busts is their not elaborated construction and the humble material used: terracotta.<sup>28</sup> Pompey's facial features are insinuated, rather than marked. His eyes, nose, mouth and ears are hardly individualised; only the hairstyle allows us to recognise who is being portrayed.

A rougher style also meant a cheaper price, and so this statue could be bought and displayed by people from a lower status. These four small busts are the only survivors of a possibly much wider phenomenon from the Late Republic: cheap reproductions of important and popular politicians, to be bought by citizens of less-affluent means. Their Imperial counterparts might offer some clues about their function and their buyers. In a letter to his beloved pupil Marcus Aurelius, Marcus Cornelius Fronto told him that, when promenading around the Forum, he passed by some statues of his student that were being sold: 'badly enough painted most of them to be

<sup>23</sup> Jucker 2006: 42. On these busts, cf. especially Bentz 1992; Dahmen 2001: 12.

<sup>24</sup> Jucker 2006: 43 and n. 11.

<sup>25</sup> Jucker 2006: 43–44 examines the busts in contrast with other representations of Pompey.

<sup>26</sup> Jucker 2006: 44–45. <sup>27</sup> Walker 2001: 158.

<sup>28</sup> A material with a long Italian and Etrurian tradition. See Fejfer 2008: 177–178. However, not all Republican portraits in terracotta were made cheaply: a terracotta bust from Cumae, preserved in the Boston Museum of Fine Arts, may have served as a model for a portrait in a more expensive material. The craftsmanship is more delicate and the facial features more accurately portrayed. See Fejfer 2008: 177. Image at: [www.mfa.org/collections/object/bust-of-a-man-155696](http://www.mfa.org/collections/object/bust-of-a-man-155696).

sure, and modelled or carved in a plain, not to say sorry, style of art, yet at the same time your likeness, however much a caricature'.<sup>29</sup> Similar Imperial busts have appeared located in the *lararia* and in tombs, especially in Pompeii. Jucker proposes that the buyers of these works featuring Pompey were those who were grateful to him: his followers, probably in Hispania, in North Africa, or even in Syria. Three of the four busts were found in Italy: Cortona (the Stuttgart bust) and Tarentum (the two lost statues). The origin of the bust from the Ennetweis collection is unknown. Tarentum was indebted to Pompey: his extraordinary command of 67 BC had brought about the end of the incursions of the pirates. Pompey's father owned many lands and had much support in Cortona, especially in his native region of Picenum.<sup>30</sup>

These statues could have been placed in the *lararium*, the small domestic shrine, since they are the perfect size for that location. The emperor Alexander Severus, for instance, had two *lararia*: one with religious figures and another with great men, among which Cicero and Virgil featured.<sup>31</sup> In Republican times, these busts of Pompey could have accompanied the house *lares*. The *compita* might also have been a likely location; as noted previously, they were important places of socialisation for the people. The praetor Gratidianus, having passed a monetary reform that favoured the people, was honoured with statues in all the *vici* of the city in 85 BC. If Gratidianus' statues were placed at the *vici*, they could also have been located in the *lares compitales*, at the crossroads of Roman streets.<sup>32</sup> The same could be true of Pompey's representations. They were probably not centrally located in the heart of the Forum, but this does not mean that they gathered a smaller audience.

In any case, be it in domestic premises or a public setting, these small representations of Pompey fulfilled the same objective: to tell the observer about their owner's political opinion of a certain politician. Fronto's observations, and the rough mould of the statues, place them clearly within the context of people of modest means.<sup>33</sup> They allowed plebeians to express their opinion as powerfully as any member of the elite, who may have commanded a similar representation of higher quality and displayed it at

<sup>29</sup> Front. Vol. I, p. 207, 4: 'male illae quidem pictae pleraeque et crassa, lutea immo Minerva fictae scalptraeve'.

<sup>30</sup> Jucker 2006: 45.

<sup>31</sup> SHA. Alex. Sev. 29, 31. Statues in private places: cf. Erkelenz 2003: 161–165.

<sup>32</sup> Cic. Off. 3.80; Marco Simón and Pina Polo 2000 on the case of Gratidianus.

<sup>33</sup> Strocka 2004: 62 suggests that these busts could have been sold or distributed to the people before any election in which Pompey participated.

home. For instance, in 98 BC, Sextus Titius was convicted and exiled for having in his house a statue of Saturninus, at a time when the memory of that radical tribune was being repressed.<sup>34</sup>

Thus, these little statuettes were, in fact, expressions of public opinion and political attachment, in this case for Pompey. It is remarkable that no representation of any *popularis* politician has survived; similar depictions of, for instance, the Gracchi or Clodius are plausible. In any case, such representations provided citizens who were not affluent with a means of expressing public opinion through physical objects, instead of solely through textual or oral methods.

## 8.2 Public Opinion in the Early Principate

This picture of public opinion describes the situation under the Roman Republic, but not for the decades and centuries that followed. This work does not intend to provide a detailed picture of the latter, but to review some analyses, and to offer suggestions for future research. During the 40s and 30s, Octavian personally answered some of the pamphlets aimed at him, as Caesar had done previously, and even engaged in furious invective against Mark Antony, both oral and written.<sup>35</sup> The proscriptions, though, suppressed opposition and opinions physically. Furthermore, as noted in previous chapters, Augustus changed the treason laws, so that the writing of anonymous pamphlets could be prosecuted. Book-burning occurred for the first time in relation to political works.<sup>36</sup> Cassius Severus, whose books were burned, was condemned to exile in 8 BC for defamatory works against, amongst others, Paullus Fabius Maximus, one of Augustus' favourites.<sup>37</sup> Pamphlets were also burned in AD 12.<sup>38</sup> Cremutius Cordus was also a victim of this same law in AD 25, under the reign of Tiberius, for publishing a history praising Brutus and claiming that Cassius was the last of the Romans.<sup>39</sup> In his defence, Cremutius Cordus argued that he was not

<sup>34</sup> Cic. Rab. Perd. 24; Flower 2006: 81–85 speculates about the unknown nature of the statue of Saturninus. For the trial, see Gruen 1968: 189–190.

<sup>35</sup> Scott 1929, 1933; Charlesworth 1933. See e.g. Octavian's offensive epigram at the moment of the siege of Perusa, 41 BC (Mart. 11.20.1).

<sup>36</sup> Raaflaub and Samons 1990: 440–441 argue that there is no record of Augustus' involvement in the cases, since the sources maintain that the cases were started by their enemies. However, few politicians would take such an initiative without at least the tacit consent of the *princeps*. On book-burning, see Forbes 1936; Cramer 1945; Gil 1985; see Sarefield 2004 on book-burning as a practice against religious writings. See Eich 2000: 299–306 on people condemned for the publication of a text.

<sup>37</sup> Tac. Dial. orat. 19; 26. <sup>38</sup> D.C. 56.27.1.

<sup>39</sup> On Republican memory during the Empire, see Gowing 2005: 2–20.

criticising anybody covered by the law of *maiestas*, that is, the emperor and his family.<sup>40</sup> Despite having his books burned, some copies remained, and later circulated in an expurgated edition, with the emperor Gaius' approval.<sup>41</sup>

Political resistance focused mainly on senatorial purges, linked to the assumption by Augustus of extraordinary offices and legislation against social and economic senatorial privileges.<sup>42</sup> Some scholars have considered the cases of suppression of opinions in Augustan times as 'isolated incidents', and affirm that the great change came with his Julio-Claudian successors.<sup>43</sup> According to Suetonius, Augustus advised his heir to bear insults and criticism.<sup>44</sup> However, mentalities had changed, as reflected in the works of Suetonius and Valerius Maximus. Both authors were sometimes at pains to explain why important politicians such as Pompey and Caesar had to endure harsh comments. Oral expression of comments was still difficult to repress, for practical reasons. However, its control had increased, at least for the political elite. Calpurnius Piso was accused of having private conversations (*secreti sermones*) that were critical of the emperor.<sup>45</sup> When Cotta Messalinus made some unfortunate comments about him, which were corroborated by witnesses in a trial, Tiberius pointed out that frankness during meals should not turned into evidence of guilt.<sup>46</sup> Augustus tried to affect informal politics partly by outlawing pamphlets and writings, constraining mainly the elite's expression of opinions.<sup>47</sup> Along the same lines, he decided to turn the Forum into a strictly political venue, depriving it of its commercial character, which had attracted people to it and had enabled casual encounters, thus fostering

<sup>40</sup> Tac. Ann. 4.34–35. On *maiestas*, see Rogers 1959.

<sup>41</sup> Quint. 10.1.104; fragment in Sen. Suas. 6.19. Gaius' approval: Suet. Cal. 16. Marcia, Cremutius Cordus' daughter, suppressed the passages on Brutus and Cassius (Quint. 10.1.104). Similarly, the future emperor Claudius, in his youth, wrote a history of Rome starting with the peace established by Augustus; his mother and grandmother convinced him that he could not treat previous events with frankness (Suet. Claud. 41. 4). On Cremutius Cordus, see McHugh 2004 with a helpful appendix documenting cases of suppression of speech under Augustus and Tiberius (esp. 406–407). Similar cases of censorship, under Domitian: Thrasea and Helvidius Priscus (Tac. Agr. 2; Suet. Dom. 10); see Rogers 1960; Geiger 1979; Malitz 1985.

<sup>42</sup> Raaflaub and Samons 1990: 433–435.

<sup>43</sup> Raaflaub and Samons 1990: 446–448. See *ibid.*, 418–433 for a list of oppositors and individual plots. For private opposition, see the classic Boissier 1900 (4th edition); Rudich 1993 for opposition under Nero (together with the review by Campbell 1994).

<sup>44</sup> Suet. Aug. 51.3. <sup>45</sup> Tac. Ann. 4.21.

<sup>46</sup> Tac. Ann. 6.5. Tiberius stated that freedom of speech should not be controlled (Suet. Tib. 28–29); however, his behaviour was not always consistent (e.g. Suet. Tib. 57.3, he condemned to death someone who had made a witty remark during Augustus' cortège about unpaid sums to the plebs). See Suet. Tib. 59 for his famous retort to epigrams directed against him: 'oderint, dum probent'.

<sup>47</sup> Tac. Ann. 1.72.2–4 (trials against *famosi libelli* by both Augustus and Tiberius).

networks. The *princeps* tried to alter channels of elite public opinion, making these networks less important and less connected with one another (as they had been in the Late Roman Republic), and instead linked exclusively (at least ideally) to him.

Elite public opinion changed a great deal between the Republic and the Principate, which attests to its political relevance during the former regime. During the Republic, there were various top players, and a majority of less important ones. Fixed political groups did not exist, and competition was rife.<sup>48</sup> During the Principate, however, the *princeps* distributed benefits and magistracies to the rest of the senators, even though the fiction of a more open system was maintained. Elections had lost their competitive character. In comparison with Republican politics, elite public opinion was further restricted to the imperial court. Furthermore, Augustus and later emperors controlled elite opinion, by censoring writings (both contemporary and Republican writings), and by limiting the places where the elite could speak to the people. Oratory was restricted mainly to civil cases (not political trials, since most of them were conducted by the emperor in closed sessions, such as the new procedure of *repetundae*); rhetoric was deployed in private *recitationes*; *contiones* were still convoked, but had lost their political relevance.<sup>49</sup> Most of the workings and mechanisms that allowed the circulation and diffusion of elite public opinion were dismantled. Both elite and popular public opinion was based on sociability, and this did not stop during the Principate. However, elite socialising could be controlled more easily, and the elevation of opinion to upper levels was particularly strictly controlled. For practical reasons of scale, this could not be done with the plebs.

Popular public opinion had never worked in this way; thus, it was more difficult to alter its patterns of behaviour, and it mostly remained as it had been in Republican politics: gossip that criticised the government; expressions of approval and disapproval in public places; and comments directly to members of the elite during socialising. Furthermore, when facing suppression, informal politics in some cases went underground.<sup>50</sup> Comments and gossip on the streets or in taverns by the people could not be controlled (although they could be dismissed), and they still remained an important and swift source of information, ensuring quick circulation. The emperor Gaius avoided walking in the Forum in order not to encounter people and

<sup>48</sup> Roller 2001 on interactions between aristocrats and the ruler due to the arrival of the Empire.

<sup>49</sup> On *recitationes*, see Dalzell 1955 (who dismissed the idea that Asinius Pollio had been the creator of that custom); Dupont 1997. On Imperial *contiones*, see Pina Polo 1989: 244–321; Hollard 2010.

<sup>50</sup> Fukui 2000: 14. On ‘hidden transcripts’, see Scott 1990.

have to talk to them or endure their comments.<sup>51</sup> Nicknames and songs against emperors still circulated.<sup>52</sup> Domitian probably reconsidered and retracted his prohibition on planting vineyards in Italy and ordering the uprooting of some of them, in order to ensure that land was suitable for wheat, because of the verses sung criticising his decision.<sup>53</sup> Crowds demonstrated their opinions to the emperor.<sup>54</sup>

Informal channels of communication were not restricted to the circus and the games. They were active in those places, though; the emperor, as Republican politicians had before him, tried to turn expressions of public opinion in these outlets into the only sources for legitimate public opinion.<sup>55</sup> However, instances of physical repression of crowds are attested. In 15 BC, a few soldiers and plebeians died, and some praetorians were wounded in the theatre while trying to stop insults against magistrates and the *dissensio vulgi*. From that point onwards, praetors could punish lack of restraint in an audience with exile.<sup>56</sup>

The arrival of the news of the death of Germanicus, the beloved hero of the Roman people, attests to the vitality, intensity, and efficacy of the system. In AD 19, reports of his ill health reached Rome from Syria, renewing the customary storm of complaints against Tiberius, who was accused of exiling him purposefully so that Germanicus could not come to power.<sup>57</sup> Later on, news of his death hit Rome. Before the magistrates could issue a decree of the Senate, people stopped working, abandoned the law courts, and shut their homes. Tacitus remarked that this bereavement was mainly carried at heart.<sup>58</sup> However, the arrival of some merchants, who stated that Germanicus' health had improved, made the people rejoice. The news circulated quickly throughout Rome, through scheduled and unscheduled encounters: 'No man met another without proclaiming his unauthenticated news; and by him it was passed to more, with supplements dictated by joy.'<sup>59</sup> At night, still full of

<sup>51</sup> Suet. Cal. 22.4.

<sup>52</sup> See Courtney 2003 s.v. *versus populares*, on songs; see Rosillo-López 2017b, on nicknames.

<sup>53</sup> Suet. Domic. 14.5 = Anthol. Palat. 9.75. See Aja Sánchez 1996 on the influence of the *vox populi* upon Roman emperors.

<sup>54</sup> Millar 1977: 370–377. <sup>55</sup> Games as a ritual to create *unanimitas* in Clavel-Lévêque 1984: 179.

<sup>56</sup> Tac. Ann. 1.77. On popular disorder in the games and theatres and imperial responses, see Bingham 1999; Courrier 2014: 665–674.

<sup>57</sup> Tac. Ann. 2.82. On popular verses on Tiberius and Germanicus, criticising Tiberius' excessive drinking habits, his wealth, and his harsh character, see Courtney 2003: 476–478 (Suet. Tib. 59). Rumours about Tiberius' character had been circulating at least since Augustus' death (Tac. Ann. 1.4.2–5), although Tacitus asserted that rumours were always stronger at the moment of the demise of an emperor (Tac. Ann. 4.11).

<sup>58</sup> Tac. Ann. 2.82.

<sup>59</sup> Tac. Ann. 2.82: 'Ut quisque obviis, quamvis leviter audita in alios atque illi in plures cumulata gaudio transferunt'. On Tacitus and rumours, see Weller 1958; Ries 1969: 170–180 on the finality of

wishful thinking, the Roman people crowded to the Capitol, singing: 'safe is Rome, safe too our country, for Germanicus is safe'.<sup>60</sup> The devotion of the people to Germanicus and the desire for justice were also present during the trial against Piso, the alleged murderer. Cries were heard, people threatened popular justice if he was not convicted, and they broke his statues preventively at the Gemonian Stairs.<sup>61</sup> Rumours proliferated, stating that Piso had killed him by order of the *princeps*; people shouted, and wrote on the walls: '*Redde Germanicum*'.<sup>62</sup> This case exhibits many of the mechanisms of public opinion that existed during the Late Republic: rumours circulated swiftly throughout the city, sometimes even more quickly than news that was officially announced; their circulation was supported through encounters in the streets and in places of sociability; and the crowds expressed their opinion through verses sung collectively or through graffiti.

Thus, the workings and mechanisms of popular public opinion remained more or less intact during the Principate. Both elite and popular public opinion was based on socialising, and socialising did not stop during the Principate. But elite socialising was more closely surveyed and, especially, the elevation of opinion to upper levels was strictly controlled, which was not the case with the plebs. The imposition of these controls attests not only to the efficacy but also to the importance of public opinion during the Republic.

We are currently living in an information age or digital age, in which news and information are circulated and distributed via a myriad of channels over the world in an instant. However, this definition reflects either an ahistorical mind or a teleological vision of history. Information has always been a key feature of even the most autocratic and dictatorial societies and political systems.<sup>63</sup> Étienne de la Boétie, a sixteenth-century French thinker, claimed that the dictator was ultimately only surrounded by a small handful of people who would support him, even when the going got tough.<sup>64</sup> For the rest, he would have to rely on

the use of rumours and public opinion by Tacitus, which is high in comparison with other authors. See also Shatzman 1974: 551–560; 575–577, who proposed that for Tacitus rumours characterised the lower levels of society (e.g. *vulgi rumor* in Tac. Ann. 3.76.2; 4.29.2), and expressed popular public opinion. In fact, the rumours and different versions about Germanicus' death lasted several years (Tac. Ann. 3.19). On the plebs and rumours during the Principate, see Courrier 2014: 682–697.

<sup>60</sup> Suet. Cal. 6: 'Salva Roma, salva patria, salvus est Germanicus'. <sup>61</sup> Tac. Ann. 3.14; Juv. 10.58.

<sup>62</sup> Suet. Tib. 52.6.

<sup>63</sup> On the pervasiveness of information through history and the recent 'information turn', see Gleick 2011.

<sup>64</sup> Étienne de la Boétie, *Discours de la servitude volontaire ou le Contr'un* (Discourse on Voluntary Servitude, or the Anti-Dictator).



support from his subjects, and would have to be informed of that support through learning about opinions and by controlling and delivering information.

Is political participation and the expression of opinions related to technological evolution? Are people more involved in politics because of instant news and access to a massive influx of information? The decline in voter turnout has been a constant in democracies since the 1950s, and has not been solved by the massive availability and immediacy of information.<sup>65</sup> An increase in channels of communication does not necessarily involve major political participation or interest. Technological determinism does not guarantee an increase in the role of public opinion. From the middle of the twentieth century onwards, polling created the illusion of being the definitive way to measure public opinion; thus, unquantified public opinion was not scientific. Criticism of polling has shown that this is a fallacy, since it mainly provides a distorted and segmented view that is strongly dependent on the type of questions asked.<sup>66</sup> Public opinion is mainly a qualitative matter.

Quantification is no longer a panacea. The political elite in Late Republican Rome, like other elites, did not really need to know exactly how many people supported their points of view in order to play with public opinion, manipulate it, or ignore it. As the spiral of silence has shown, sometimes even appearance and pretence were enough: if people believed that someone's point of view was that of the majority, this could

<sup>65</sup> Gray and Caul 2000.

<sup>66</sup> For criticism of polling methods, e.g., see Blumer 1948, who was concerned with sampling, which treated society as if it was just an aggregation of individuals. He wondered whether individuals who are polled were precisely those who were participating in the formation of public opinion on a specific issue. Blumer 1948: 457: 'current public opinion polling gives an inaccurate and unrealistic picture of public opinion because of the failure to catch opinions as they are organized and as they operate in a functioning society'. Lazar 1995: 3–4 has established a clear difference between the two elements: a poll is just a technique that allows the pollster to take a snapshot, a stable and fixed image of the opinion of some people about a specific issue and at a specific time. On the opposite side, public opinion is a social process that develops over time. Polls are only valid for a moment; public opinion is conceived as changing through time and as a *longue durée* component. Herbst 1993 asserts that polling is far from neutral and that it is responsible for the narrowing of the public sphere, since opinions are formed and measured in private. On the other side of the spectrum, see Zaller 1992: 265, 'If the public had an opinion and there was no pollster around to measure it, would public opinion exist? (...). The answer depends on what one means by public opinion. If by public opinion one means the hopes, fears, feelings and reactions to events or ordinary citizens as they go about their private lives, then certainly there is public opinion, whether or not there is a pollster to measure it. But if by public opinion one means ordinary citizens walking around saying to themselves things like "I strongly approve of the way George Bush is doing his job as president" or "I think we should take a stronger stand, even if it means invading North Vietnam", the most of what gets measured as public opinion does not exist except in the presence of pollster'.

be enough to make it so, erasing all kind of doubts, pushing for an agreement, and eliminating alternative viewpoints. The Roman elite, and many other elites throughout history, did not measure public opinion. Gossip was uncountable, along with rumours, nicknames, cheers, or cries at the games, or physical support as an audience during a trial. A qualitative study engages different categories of public opinion and different groups of opinion, and provides a more nuanced view of the phenomenon and of the issue at stake.

Public opinion was a key element in Roman politics in the second and first centuries BC, but also in a myriad of political regimes that followed. In the case of Late Republican Rome, public opinion was linked to the city itself, to the physical space in which citizens moved around, talked to each other, and were in contact with other people; to the socialising of elite and plebs; to the passing on of news and rumours; and to the discussing of political alliances. As long as citizens and the governing elite maintain these practices, public opinion will continue to be an important feature of any society and of any political system.

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